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REFORM IN CHINA[1]

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One of the most noticeable phenomena in the world history of the last two or three hundred years is the subjugation of Asia by Europe. Asiatic civilization and institutions have in the shock of conflict with European civilization and European institutions either succumbed or have been made to suffer great modifications. In some instances political control has passed from Asiatic to European hands. In others, while Asiatic rulers have been able to maintain themselves in at least nominal control, their freedom of action has been curtailed by treaties forced from them by the fear of the loss of political independence.

Furthermore, in those few cases of contact between the European and the Asiatic in which the latter has not suffered a serious loss of independence, European commercial and industrial organization has exercised a remarkable influence over Asiatic life. The steamship and the railway, both European inventions, have bound together the East and West in bonds so strong that it is futile to think that they will ever be broken, and have at the same time given to most Eastern countries means

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of transportation which are surely and with continuingly increasingly rapidity transforming the conditions of Eastern life.

The industrial organization of the West, finally, is also proving its economic superiority to that of the East. Most commercial products in whose manufacture the East and the West compete can be made more cheaply in Europe than in Asia. With the improvement in the means of communication between Europe and Asia the manufactures of Europe are consequently slowly but surely driving many Eastern products out of Eastern markets, and like the steamship and the railway also are gradually changing the living conditions of Eastern people.

We may therefore say without danger of contradiction that Western civilization and Western institutions are at the present time showing themselves more efficient than Eastern civilization and Eastern institutions, and that in the conflict between the East and West, which has probably only just begun, the West shows every evidence of becoming the victor.

Of course it is true that from an idealistic rather than a materialistic point of view the West may not be superior to the East. It may also be that in the long course of centuries the vaunted superiority of the West to the East may not be so evident if it may be said to exist at all. But it is certainly true that the immediate future will mark the further, even if temporary, victory of Western ideals. The materialism of the West will in all probability prevail over Oriental idealism. We may not envisage the future with satisfaction. Our ethical sense may be outraged by what we foresee. But with men as they now are, we can hardly fail to conclude that in the years soon to come the influence of the European upon the life of the world will increase rather than diminish.

If this increase of European influence is then to be regarded as almost certain, what should be the policy of an Asiatic country which still retains its political independence but at whose doors the European is even now knocking with the vigor and insistence which have characterized the European attitude towards Asiatic peoples during the past two or more hundred years? What in other words should be the present policy of China?

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The general answers to these questions may perhaps be found in the history of the country during the past century. Whether due to the influence of her officials or to the honest feelings of the people as a whole, China's attitude toward the introduction of Western ideas has been for the most part one of hostility. It can hardly be denied that this attitude of hostility has been not only futile but disastrous. Chinese resistance to Western influence has been ruthlessly overborne. We are not here concerned with the ethical character of European policy towards China during the past century. It may be just as unethical as many Europeans have claimed. It may be just as detestable as its Chinese opponents deem it to be. But it is none the less true that Chinese opposition to it has both failed to prevent its adoption, and has plunged China into a pit from which the country is endeavoring now with great difficulty to extricate itself.

We may therefore assume that Chinese hostility towards the introduction into the country of Western ideas is an attitude which must and will be abandoned. We may also consequently assume that Western ideas will exercise in China an increasing influence in the years immediately before us.

The policy of China should therefore be to accord a more hearty welcome to the European than has been accorded in the past. At the same time, China should be careful both to guard against the enthusiasm of the recent convert to new ideas, and to adopt only that part of Western culture which is suited to her peculiar conditions. She should also endeavor to avoid the mistakes of which Europeans have been guilty and, in the new life which will spring up in the country, attempt to remedy those defects of Western civilization the existence of which the most ardent admirer of the West will not deny.

In order to carry out such a policy it is not sufficient for China to study Western institutions and become acquainted with Western ideas. Such a study must of course be undertaken. But it is every bit as necessary for China to know herself. It is absolutely essential that the difference between European

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and Chinese conditions be understood. Where these differences are controlling European institutions must be modified, if a lively hope is to be entertained that the introduction into China of those institutions will be followed by the largest measure of advantage.

It is of course impossible in the space at command to indicate all of even the most important differences in the conditions of China and Europe. It is doubtful if it is in the power of a single person to make such an indication. It may not, however, be improper in this place to record what have seemed to one observer a number of the most important points in which China and Europe are not alike.

In the first place there is a difference in the economic basis of Chinese and European life. China is agricultural, Europe is industrial. Most of the things which are used in China are produced from the soil and are capable of almost indefinite reproduction, by ordinary agricultural processes. This is true not merely of the things which are used for purposes of food. It is also almost as true of such other things as clothes and many of the materials which are used for the purposes of house construction and for the conduct of the other ordinary affairs of life. Europe and America, which from this point of view is little more than a copy of Europe, place much less reliance than does China on vegetable products and much more on mineral and animal products. The Chinese clothes himself for the most part in cotton. The European makes much greater use of wool and leather. The Chinese uses the bamboo and the kaoliang. The European is accustomed to regarding himself as living in an age of iron. The Chinese very generally uses for fuel the waste of his fields. The European digs coal from the bowels of the earth.

The processes through which the Chinese obtains the products he desires are thus mainly agricultural in character supplemented by a system of household industry carried on by manual labor. On the one hand a highly developed agriculture has been evolved. On the other hand we find an industrial system which is often merely incidental to agriculture and almost never calls for a high degree of social coöperation.

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The processes through which the European secures the products he desires are, however, industrial rather than agricultural in character. A highly specialized industrial system has been developed which is based on the factory and the steam engine and which requires for its successful pursuit a high degree of social coöperation.

The agricultural character of China on the one hand and the industrial character of Europe on the other have probably more far reaching effects on the people than at first sight would be supposed. Thus we find in China a stable population whose immobility is increased by the absence of good means of communication. Thus again we find that the economic need in Europe for larger undertakings due to the industrial character of its population has been accompanied by, if it has not been the cause of, a higher degree of social coöperation than has hitherto developed in China. This social coöperation is seen not only in the commercial and industrial but as well in the political life of Europe. Without it the great commercial and industrial corporations which are so distinctive a feature of European life would have been impossible. Had this capacity for social coöperation not developed it is difficult to believe that the representative government which is the commonly accepted form of government in European countries would have been possible.

The lesser degree of social coöperation evident in China, which may well be due in no small measure to the agricultural character of its population, must be borne in mind when China makes the attempt to introduce Western ideas. A form of industrial organization which has its basis in the corporation may be successful in Europe but unsuccessful in China unless it is subjected to those modifications which are suited to Chinese conditions. Representative government, certainly in the form in which we find it in modern European states, may well be impossible of adoption in China until such time as greater capacity for social coöperation has developed.

Another point in which Chinese differs from European life is to be found in the position which has been accorded to the

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family. In Europe and America the bonds of the family are neither so far reaching nor so controlling as is the case in China. The European family begins to disintegrate as the children attain manhood. The power of the father over the children ceases when the children have grown up, and a duty of supporting one's brothers and sisters even, is not recognized either by the law or by public opinion. Family ownership of property is practically unknown.

In China, however, it is the family rather than the individual that counts. It is often the family rather than the individual in which the ownership of property is vested. The head of the family, which may embrace the children of a number of fathers who are the descendants of a common ancestor, has either by law or as a result of public opinion powers which are denied to the father of a single family by European law.

The difference in the position which is accorded to the family in Europe and China has had a marked effect upon the social organization. The individualistic ideas of Europe would seem to have made possible the concentration of property in a few hands. The family control of property in China, which often results in what in European law is spoken of as the suspension of the power of alienation, would seem to have brought about a more equal distribution of property than is found in countries having a civilization of European origin. Well organized classes based on inequality in the distribution of property have not developed as is the case in Europe.

The existence of the Chinese family idea, based as it is on ancestor worship, has further had the effect of rendering the population rather stable and immobile with the result of congestion at particular points, and has at the same time made difficult the development of social groups wider in extent than the family. The character of the family would thus appear to have hindered the development of social coöperation, difficult as it otherwise is under the agricultural conditions which obtain in the country.

The history of China would seem to show also that China has never developed to such an extent as is to be noticed in

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Europe the conception of political authority. It is true of course that from time immemorial all political power which has been exercised in China has been supposed in the past to be vested in the Son of Heaven. As a matter of fact, however, political authority has never in China extended so widely as it has at the present time in Europe. China has really been the home of *laisser faire*. Her system of *laisser faire* has been, it is true, one in which the unit has been the family rather than the single individual and has been somewhat modified by the theoretically absolute powers of the Son of Heaven. But it still remains true that the conception of political authority as interfering with the daily affairs of life has not existed. China has been governed by precepts of morality and by custom rather than by law and edict. Where laws and edicts have been issued to supplement the force of moral precept and customary usage it has usually been deemed expedient to convince those affected by them of the reasonableness of the action proposed to be taken. Arbitrary decrees commanding a substantial departure from existing practice have been as compared with European life almost unknown.

The century long existence of this attitude upon the part of the Chinese people has had marked effects upon their psychology. They are in the first place much more conservative than are European peoples. Although not particularly combative in character they are capable of offering a passive resistance to changes, of whose reasonableness they are not convinced, which makes those changes difficult of accomplishment. Not accustomed to yielding obedience to arbitrary authority, whether that authority be a monarch or a popular majority, they must as a whole be convinced of the desirableness of unaccustomed action before they will take it. The process of convincing them is often a long one since practically the opinion of the whole people must be changed before action can be secured.

In the second place this *laisser faire* theory and this absence of the conception of political authority have had for their effect a lack of discipline in the Chinese people as compared with Europeans. Brigandage and riotous outbreaks on the one hand

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seem to be of frequent occurrence. On the other hand social coöperation among groups not subjected to the authority of one ancestral or family head is difficult. The only marked exception to this rule is to be found in the merchant and trade guilds of which there are so many in China and which have assumed so many functions in European countries regarded as incident to political authority.

In the third place, the absence of the rule of law combined with the irresistible compulsion of a universally accepted ethical system has brought about an almost complete absence in the minds of the Chinese people of the idea of individual rights. This has also been furthered by the existence of the family and guild system in which the individual is merged and to which he must submit. If the individual obeys the dictates of moral precept and conforms to the demands of the family and the guild he is, as compared with the European, almost completely free from political restraint. If, however, he attempts to depart from the ethical code, and particularly if he is guilty of a violation of filial duty, which is the mainspring of family life, he is an outcast who possesses no rights and against whom almost any man's hand may be lifted with impunity. He certainly receives no protection from the state.

Chinese conditions are, finally, to be distinguished from modern European conditions because of the fact that the materialistic philosophy of the European has been characterized by the adoption of what may be called the scientific method of the conduct of life. By the scientific method is meant the generalization from recorded observations and the application of the generalizations made to other classes of phenomena through the process of experiment rather than as the result of the process of abstract reasoning. While this scientific method has perhaps always been characteristic of European action it is only within very recent times that it has received its highest development. Its use may, however, be said to be the most important contribution of the European to human progress. It has been the cause of the great triumphs of European efficiency and it is largely because of it that the European possesses that superiority in

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the management of the material things of human life which must be accorded to him. Its possession differentiates the European from other peoples, who, for the most part, have been content to search for truth through meditation and *a priori* reasoning.

In attempting to adopt Western learning and to establish in China European institutions, allowance must be made for these differences if satisfactory progress is to be made. It must be remembered that at present China is agricultural rather than industrial, has comparatively little capacity for social coöperation, is governed by ethics rather than by laws promulgated by a recognized political authority, has not been subjected to discipline, has little regard for individual rights and has not as yet in large measure applied the scientific theory to the conduct of life.

Her agricultural character, when taken together with her large population, makes it impossible for her to dispose of large financial means until her industrial and mineral resources have been much further developed.

Her small power of coöperation makes it impossible for her until her conditions have been greatly modified to adopt the forms of representative government which have been followed by success in European countries and makes it desirable that her present industrial organization be subjected to a comparatively slow process of modification.

The fact that she has been in the past governed largely by ethical precept and has only a very dim conception of political authority make it desirable that the sanctions of her ethical system be relaxed only in proportion as the idea of political authority develops.

Her lack of discipline and her disregard of individual rights make it probable that a form of government which has many of the earmarks of absolutism must continue until she develops greater submission to political authority, greater powers of social coöperation and greater regard for private rights. For unless a strong government is established political disintegration is liable to occur and many petty tyrants will probably develop,

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in whose presence the development of the conception of individual private rights will be well nigh impossible.

It may not be expected that the conditions existing in China will in a short time be so changed as to permit Western institutions in an unmodified form to be established in the country. It may be indeed that China will always continue to preserve almost unchanged some of the conditions which now obtain. If those conditions are changed, the development of the country may be different from that of Europe, in which long years ago existed many of the conditions now to be found in China. But so far as her conditions do not gradually come to approximate those of Europe it is useless to expect that the institutions which will be developed will be those with which Europeans are familiar. The problem in China is a Chinese problem. Its solution must be made not as the result of the attempt to copy Europe but, although it may be influenced by European ideas, must be worked out carefully and slowly in the light of Chinese traditions and history and in such a manner as to conform to the peculiarities of Chinese life.

While general Chinese conditions may not thus be expected to change with great rapidity, there is no reason to suppose that China may not, if she is convinced of the desirability of applying the scientific method to the conduct of life, take immediate steps towards the realization of that purpose. For its realization can be secured through a change in the educational system in China as well as by sending young Chinese abroad to study. It is, however, well to remember that probably better work will be done for China by educating large numbers of young men in China amid the surroundings in which they will be called upon to live and under the conditions to which they will be subject, than by sending a few abroad at the most impressionable age. It is not wise to subject those who are expected to be the leaders in Chinese life to the danger of becoming denationalized, of losing their reverence and respect for all that is good in China because of their admiration, often not discriminating, for the new civilization to which they are introduced and under whose spell, due to its present power and efficiency, they are

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likely to fall. The foreign educated student always labors at a disadvantage when he returns to his native country after a long absence abroad. The conditions which then confront him are different from those with which he is familiar. This disadvantage becomes a serious handicap to the Chinese returned student. For the conditions to which he has become accustomed are totally different from those which he has to encounter.

The policy of China at the present time should then be:

1. To strengthen her governmental organization in order that she may protect herself against foreign aggression and cultivate among the Chinese people respect for political authority.

To this end a strong central government is necessary in order that all tendencies toward the disintegration of the country may be checked. To this end a strong executive is also necessary in order that a stable policy may be followed. What is known in political science as presidential government is more suited to China's needs than any form as yet developed of cabinet government. China's governmental institutions should be modeled on the German or the American system rather than upon the British or the French.

2. To develop the natural resources of the country, so that the life of the people may not be simply agricultural but as well industrial.

To this end it will in all probability be necessary for some time to come to rely on foreign capital, and in a large degree on foreign management as well, even if this resort to foreign assistance will involve an extension of the present privileges of exterritoriality into sections of the country into which the foreigner is not now permitted to go. As Chinese capital accumulates, and as Chinese judicial institutions improve, it may be possible to place less reliance on the foreigner and to subject all persons in the country to the Chinese courts, but until such time it would seem to be useless to expect any great development of the country's resources except under considerable foreign control endowed with exterritorial privileges.

3. To cultivate by every means possible a greater spirit of social coöperation in both the political and industrial organization of the country.

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To this end it is necessary to establish in the central government a legislature and in the provincial and other local governments provincial and local councils which shall represent the most important classes, such as the merchants, the literary class and the larger property owners. What powers can safely be entrusted at present to such bodies it is somewhat difficult to say. It would seem, however, that for the present it would be wiser to lay greater emphasis on functions of advice than on powers of control. For China is so unaccustomed to popular government and has so long been subject to personal rule that it would be useless to expect that the country could at one bound successfully advance to the stage of representative and popular government which is characteristic of European and American countries. A serious attempt should be made, however, at once to offer to the classes of the people which are conscious of common interests and have intelligent aspirations the opportunity to participate more widely and influentially in the government of the country than they have up to the present time enjoyed. Otherwise the country will continue to be under the blight of absolutism and, so long as it does not have the security which comes from the determination of the question of succession by inheritance in a particular family, will possess probably the worst form of government which has yet been devised—namely a military dictatorship.

As the people become, through their participation in the work of government, accustomed to the management of public affairs, the functions of the various representative bodies may lose their advisory and take on more and more a controlling character. If for the time being it is believed to be desirable that the members of these representative bodies be appointed rather than elected or if elected be elected by a small body of voters, as time goes on probably less resort may safely be had to appointment as a method of selection and the number of voters may be increased.

The solution of the problem how to cultivate a greater spirit of industrial coöperation is extremely difficult. This problem has been solved in Western countries through the device of the

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company or corporation. The success of the Western corporate idea in industrial and commercial life has been in large measure dependent upon three factors. In the first place there has been an independent and reasonably upright judicial system to which the shareholders of companies might have recourse in case their rights under the law were violated; in the second place, largely because of the existence of such courts, a spirit of trusteeship, of fiduciary obligation, has grown up among the people which has prevented the misuse of their position by the officers of companies for selfish, including family, interests. There has gradually developed in the ethical consciousness of Western peoples the belief that the first duty owed by a company officer is to his company and its shareholders. There is still of course large room for the further development of this belief. But it has already sufficiently developed to permit of the successful carrying on of commercial and industrial operations under the corporate form of organization. In the third place, the governments have in most instances scrupulously refrained from either seizing successful companies or from interfering with their management except in so far as such action was necessary in the public interest. Until such time as the conditions which have been outlined are present in China, the prospects of successful corporate enterprise in China under Chinese management may not truthfully be said to be bright. Until such time as an approximation to such conditions is reached it would seem that China must, as has been indicated, rely very largely on foreign management and submit to foreign control. If, however, China will make a serious, determined and persistent attempt to realize these conditions there is no reason to believe that she may not cultivate in time that spirit of social coöperation upon which succesful corporate management of large commercial and industrial enterprises is based.

4. To lay greater emphasis as time goes by on private rights in order that the individual may be better protected than at present in the enjoyment of his life, liberty and property.

To this end it is necessary that the rule of law be substituted for personal rule. Laws must define in advance more compre-

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hensively and clearly than is at present the case what are the rights and duties of individuals. Courts, to which the individual may with confidence resort in case his legal rights are violated, must be established. If we may judge by European experience such courts can be established only upon the condition that the judges are independent of the arbitrary control and interference of the executive. It will undoubtedly be necessary to provide some method for the punishment of corrupt and incompetent judges or for their removal from the bench, but any method which may be provided should carefully protect all judges from the arbitrary action of the executive and should secure them a public trial.

Finally, the adoption of the rule of law and the protection of private rights make it necessary that in ordinary times a large freedom of speech and of expression be accorded. The doings of the government should be open to criticism by private individuals and by the public press, provided such criticism does not take the form of seditious utterance. It is only where the press has a reasonable freedom that private rights are protected and that progress in popular government is possible.

5. To remodel its educational institutions so that coming generations may be able to apply the scientific method to the conduct of life.

To this end it will be necessary that greater emphasis be laid in the future than has been the case in the past on scientific and technical studies. Chinese learning in the past has been almost exclusively literary in character. The study of literature encourages the development of imagination and artistic taste. It does not, however, tend to develop habits of precision and accurate thinking. It does not concern itself in any high degree with the practical facts of life. It is idealistic rather than materialistic. Where literature is studied to the exclusion of other subjects there is a tendency to over-emphasize the memory at the expense of the reasoning faculties; to encourage the student to dwell upon the accomplishments of the past rather than to attempt the solution of the problems of the present or to forecast the progress of the future.

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The reorganization of the government may form a large part of the future policy of the country. For improvement of the political institutions will make much easier the reconstruction of the country. But it can not be expected that political reform will accomplish all that is needed. It is, furthermore, to be remembered that in the reorganization of the government which will undoubtedly be undertaken, more stress will have to be laid in the immediate future upon power than upon liberty, upon the cultivation of respect for political authority than upon regard for private rights, upon government efficiency than upon popular representation. As power is consolidated, as respect for political authority develops and as government efficiency is secured, liberty will spring up, private rights will be established and popular representation will be evolved. The process will not in all probability be a quick one. For political change to be permanent is necessarily slow. In the meantime the Chinese people will have to be patient, satisfied if they are able to solve one by one the problems which the inevitable contact of the East with the West has presented to them. They will undoubtedly be assisted in their efforts by the change in social conditions which the adoption of Western institutions will bring about. The railway and the steamship will bind the country closer together, thus diminishing the danger of disintegration. The gradual change from an almost purely agricultural economy to one which is more industrial in character will tend to develop the capacity for social coöperation without which representative government in a Western sense is all but impossible. At the same time it will add to the financial resources of the nation. The increase of the financial resources of the country will strengthen the government and aid in the development of the conception of political authority, whose exercise will make possible quicker progress than may be expected under present conditions. The reform of the system of education will cause the coming generation to assume a more practical attitude towards the facts of life which can hardly fail to have a great influence on the psychology of the people.

But such changes as have been outlined take time for their accom-

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plishment, and until they are accomplished, until in other words the social and economic conditions are quite different from what they are at present and bear a closer resemblance to the conditions of the West, it is useless to expect that a political organization based upon the conditions of the West can be advantageously adopted in China.

REMARKS ON PRESIDENT GOODNOW'S PAPER

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I have listened with unusual interest to the learned paper on "Reform in China" just read by President Goodnow. It seems to me, however, that the Occidental people find no end of difficulty in understanding and interpreting our Oriental laws, customs, and institutions. We are told, for instance, that the Chinese like other Asians, who are mainly agricultural peoples, are unfit for representative government. I doubt if this statement can stand the test of adequate proof. Take, for example, the people of China, whose recorded history runs back to 2800 B. C. These Celestials, these agriculturalists, had from time immemorial enjoyed local self-government, had been accustomed to "take communal action:" they would close up their business and resist the imposition of an unjust tax. It is to be remembered that the powers of the mother of parliaments developed in this fashion. "The financial functions of parliamentary assemblies are always the centre of their action."

In India, another agricultural country, we had the village community which contained the true germs of representative government. These village communities have frequently been described by such authorities as Sir Charles Metcalf, Sir Henry Maine as "little republics."

Further, we are told by Western critics that the Chinese, along with the other people of the Orient, are slow to move, that they are static, preferring to submit to the iron rule of an autocratic king. On the other hand those who have even a slight acquaintance with Chinese history know that the Chinese

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are a democratic people. Mencius, the great Chinese political philosopher, put the people first, the gods second, and the sovereign third in the Chinese scale of national importance. Mencius once said to a ruler: "If you can win the hill people—that is, the humblest of the common folk—then, indeed, will you become the Son of Heaven." Again, when Wu Wang killed the tyrant emperor Chow some time in the eleventh century before Christ, the Chinese historians wrote: "Wu Wang did not slay his ruler; he simply executed a tyrannical individual."

In India, too, we find that the ancient Hindu law-givers have laid down that the misgovernment of a tyrant king not only constitutes a default of the ruler's title, but even a forfeiture of his life. Indeed, Manu himself has said that a king who oppresses his subject should be deprived of his life together with his relatives.

In Asia as in Europe the divine right of kings, the belief that the rulers were appointed by heaven, has, of course, found credence. But when these Asiatic monarchs failed to promote the general happiness of the nation, failed to live up to the will of heaven, they were given short shrift. They were removed and replaced by another sent of heaven. Historians seem to admit that such revolutions have taken place at least twenty-one times in China, resulting in as many changes of dynasty. Besides, there have been various usurpations of power of a limited scope, and if all these partial revolutions are considered, China, the so-called conservative China, can boast of no less than thirty revolutions.

The old assertion that the Asian people are unfit for self-government does not bear examination. Look at Japan! When the Asiatic Japan promulgated its constitution of a parliamentary government in 1899, the astonished Europe laughed. Has not the marvellous success of Japan—Asiatic Oriental Japan—in establishing and maintaining a constitutional government proved beyond the shadow of a doubt what other Asian nations could also do if they were free?

In India, the land where I first saw the light of day—the land where mighty empires existed and flourished long before

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the English had ceased to dwell in paleolithic caves—in India, I say, the people are told today, after a hundred and fifty years' of "enlightened cultured" rule, that the Indians are not and never will be fit for self-government. How in the name of common sense can a country be fit for self-government, or for that matter for anything, unless it has a chance to try it out? Is it not almost a political truism that self-government alone fits a nation for self-government?

To be sure, some of the Oriental nations have shown incompetency: they have been found guilty of graft and corruption. We are sincerely sorry for them. But I have been informed on good authority that there are also many countries in the West which are not above the charges of graft and corruption. Are we to believe now that the Western nations have proved their inability for representative governments? For one, I have little faith in the judgment of patronizing Europeans, who on their annual summer tours in the United States brazenly ask: "How long can this republic endure?"

To conclude, I challenge the assumption that representative forms of government are the monopoly of the West. I resent the implication that the Orientals are in any essential manner different from the Occidentals. We of the East ask only one thing of the West. It is this—that you of the West stay away from us and our problems: leave us to solve our own problems, to work out our own destinies, while you spend your time looking after yours. The greatest good you can do us, the lasting benefit you can confer on us, is to let us alone.

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THE SOUTHERN SLAV QUESTION

NORMAN DWIGHT HARRIS

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"For my part," exclaimed Mr. Asquith at the great Guildhall meeting in September, 1914, "I say that sooner than be a silent witness, which means in effect a willing accomplice of this tragic triumph of force over law and of brutality over freedom, I would see this country of ours blotted out of the page of history." In giving utterance to these remarkable words, the British Premier was thinking not only of the tragic fate of valiant little Belgium, but also of the life and death struggle for liberty and independence of another small state whose history and position are much less understood by Europe, or by the world in general—Servia. "Give a dog a bad name and hang him," runs the old adage, which applies with peculiar force to the attitude of public opinion in this instance toward the Servian kingdom. For years the press of Austria-Hungary, copied unthinkingly by that of Germany and other European countries, has been at work deliberately giving Servia a "bad name." Unfortunately there have been too many dark pages in Servian history—pages stained by violence, intrigue and crime—especially in political circles, not to give just cause for grave criticism. Yet it is manifestly unfair to pass a final judgment upon an intelligent and courageous people by looking only at one side of the shield.

The old Servian realm, and with it the independence of the Servian nation, disappeared before the terrific onslaughts of the conquering Turks in the great battles of Maritsa (1371) and Kossovo (1389), and for nearly five hundred years the Servian people languished under the Ottoman yoke. The government was lax and indifferent. Life and property were unsafe; and no encouragement was given to economic or intellectual devel-

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opment. Everything was at a standstill. But the Servian nation never lost sight of its national destiny and ideals. Every true Serb treasured in his heart the songs of the national minstrels and stood ever ready to respond to the call to arise and struggle for "the honored cross and golden liberty." But in the course of the struggles and vicissitudes of the centuries they became divided. Some passed under the rule of Austria-Hungary. Some were united to form the modern kingdom of Servia; and others remained under the sceptre of the Sultan.

The present Servia is composed chiefly of a race of peasant farmers. There are no great cities and few large towns. The peasants are a sturdy race somewhat rough and plainspoken, but an intelligent and kindly people. For many years they were lacking in unity, in resources and in leaders; but early in the nineteenth century they began to fight valiantly under Kara George and Milosch for freedom. Greatly handicapped in this unequal struggle with Turkey, they had recourse to all sorts of rough and ready methods to gain their ends; but it was not until 1856 that they actually acquired liberty of worship, of trade and of self-government. Complete independence was accorded Servia at the treaty of Berlin in 1878, and in 1882 she became a constitutional kingdom under Milan I. But the great task of transforming this feeble and distracted country into a stable and well governed state had only just commenced. The unscrupulous ambition and inherent personal weakness of her rulers, notably Milan I, who set up an absolute monarchy in 1883, and Alexander II, who, with his intriguing consort, Draga, was assassinated in 1903, seriously retarded the development of the country. The intrigues of ambitious and unscrupulous neighbors have increased still further the difficulties of her statesmen, and the confusion within her borders. Yet a constant improvement has been noticeable from year to year; and, during the last decade, a truly remarkable advance has been made. Since 1905 the government receipts have annually exceeded its expenditures; and her finance minister presents now a yearly budget of over £9,600,000. The total exports and imports rose from £4,364,-843 in 1901 to £8,968,392 in 1911. Her population, 96 per cent

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of whom are Serbs and members of the Greek Orthodox Church, increased from over 2,400,000 in 1900 to 2,900,000 in 1910; and with the acquisitions of territory resulting from the two Balkan wars, it now numbers about 4,300,000.

As the state developed, an outlet to the sea and economic independence became matters of life and death to her. The former she secured at the end of the second Balkan War by the extension of her territory to the vicinity of Salonica, with which port Greece has given her free transit of goods. The latter she is still striving for, in spite of the steady opposition of Austria-Hungary. The dependence of Servia upon Austria has been marked, indeed, ever since her independent life began in 1878; and she has found a market for a large portion of her products with her big neighbor. So great has this been the case that as late as 1911 over 67 per cent of her entire trade was with Austria and Germany; and all her exports and imports had to be transported over rail and waterways controlled entirely by Austria and Hungary, who levied whatever rates were favorable to the development of their own commerce. Austria was willing to grant Servia small favors from time to time and to see her trade increase, but the Empire was determined not to permit the little kingdom to become independent economically or to play a dominant rôle in the commercial activities of the Balkans.

When Servia formed a customs-union with Bulgaria in 1905, Count Gotuchowski—then prime minister of Austria—inaugurated a tariff war against the Serb kingdom. This so-called "Pig War," in which Servian pigs, cattle, and agricultural products were excluded from the dual monarchy, resulted in great losses to the Austrians but led to the regeneration of Servia. Her people, forced to rely upon their own resources, became self reliant and progressive. Her statesmen turned to other states, like France, for national assistance and military supplies, and sought new markets in Egypt, France and England for the products of their country. Commercial agreements were signed in 1907 with Great Britain and other countries. Friendly relations were cultivated with their Balkan neighbors; and Servia entered upon a determined movement for economic ex-

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pansion and independence. This customs war, however, engendered feelings of animosity between the peoples and governments of Austria and Servia, and marked the beginning of a bitter rivalry between them.

There was also the political and racial side. The interests and sympathies of Servia bind her closely to the Greek Christians and Serbs of the Balkans; and her foreign policy naturally centers about the numerous Serb peoples of southeastern Europe, of whom there are some 10,000,000 all told. These Slavic brethren furnish the greater part of the population of Croatia, Slavonia, Istria, and Dalmatia in Austria-Hungary, and of Bosnia, Herzegovinia and Macedonia—lately under Turkish control. For years Servia had been hoping to create a "Greater Servia" out of these districts under the Ottoman sceptre, whenever the day of Turkey's retreat to Asia should come; and she was bitterly disappointed when Austria annexed Bosnia and Herzegovina in 1908. The Servian government, however, turned its efforts for expansion to the field of Macedonia. Here they were successful, and, as a reward for the services and sacrifices of Servia in the two Balkan wars, her territory was increased by 14,900 square miles, or about 80 per cent.

Meanwhile, within the Austro-Hungarian kingdom a Pan-Slavic movement was taking on extensive proportions. To understand its real significance, however, we must first glance at the organization of the Austro-Hungarian government and its attitude toward the Slavs within its domain. Austria-Hungary is a dual state, inhabited by some sixteen different nationalities, but ruled by two—the Germans and the Hungarians—since the "Ausgleich" of 1867. The dual government was organized to preserve the equality and dominance of these two races; and has served well the purposes of its founders. Unfortunately, however, it contains no provision for amendment or development, while the times have changed and the need of readjustment has become imperative.

That Austria, at least, has been aware of this, is evident from the fact that in 1907 she gave her people universal suffrage and placed the representation in her popular assembly on

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the basis of the population within the several subdivisions of the kingdom, ranging from one to every 30,677 persons in Salzburg, to one for every 75,414 in Galicia. The power of the German element in the lower house, however, remains intact, for they control a solid phalanx of 222 votes out of 516 and are often supported by the landed gentry of other races on the main issues of national importance; while the remaining deputies are divided by racial lines and divergent local interests. And the Herrenhaus (or upper chamber) is still aristocratic and largely Teuton, being composed of fifteen princes of the blood, eighty-one landed nobles, seventeen archbishops and bishops, and one hundred and fifty-nine life members nominated by the emperor for distinguished service. It must not be overlooked, moreover, that the Austrian government, while it has done much for the improvement of the masses and the development of industry and agriculture, and has been lenient in the amount of local autonomy allowed the various units of its kingdom, has devoted more of its resources to the advancement of the German districts in the centre and north than to the rest of the country. Bohemia has struggled constantly to get merely a respectable share of the annual budgets; and Dalmatia has been almost neglected for nearly a hundred years. This hardly seems just in a kingdom where the German population only amounts to approximately 9,950,000 out of a total of 28,572,000 (1910); though it must be admitted that this 9.950,000 control the larger portion of the wealth of the country. But would this long remain so, if the others had the same opportunities, advantages and privileges?

The situation in Hungary is similar; but there all attempts at reform, since the ballot act of 1874 and the constitutional enactment of 1885, have been in vain. The composition of both houses of parliament remains the same, and the Hungarian oligarchy retains its grip upon the reins of government. The house of magnates consists of fifteen princes of the blood, two hundred and twenty-nine hereditary Hungarian princes, counts and barons paying at least 6000 crowns a year taxes, thirty-eight archbishops and bishops of the Roman Catholic Church and twelve Protestant dignitaries, three delegates from Croatia-

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Slavonia, and the governor of Fiume. The house of representatives, numbering 453 members, consists of 414 Hungarian delegates and 40 from Croatia-Slavonia. Election to membership is supposed to be based upon universal male suffrage depending upon a small property or income qualification. But in 1911 the proportion of electors to the entire civil male population was only 24.9 per cent and but 6.1 per cent of the whole population possessed the franchise. In fact, the old electoral law of 1874—well enough in its day—is still in force; but it is so confusing and complex in its details that one of the official organs described this franchise as "the confusion of Babel." It is deliberately preserved and worked to keep the control of the franchise in the hands of the gentry and the Jews; and this oligarchy, as a result of the elections of 1910, still holds 346 votes out of 413 Hungarian representatives in the lower house. Corruption, bribery and intimidation have arisen to astonishing proportions; and a system of "pocket boroughs" has grown up, unequalled even in England in the eighteenth century, whereby the government holds in its hand the bestowal of 80–100 seats. In 1910 the presence of 173,000 troops was necessary to preserve order and ensure a successful election.

In non-Magyar districts a happy system was devised, by lowering the franchise in the towns and raising it in the rural districts, to preserve Magyar dominance. Thus in Transylvania, out of 74 deputies, 35 represent the 28 per cent of Magyar inhabitants and 30 the 72 per cent of Roumanian population. And Croatia-Slavonia, which contains one-seventh of the population of the kingdom, are accorded but one-eleventh of the popular representation. In addition, they have been denied any important share in the government or legislation of the country. Thus the Magyar element, numbering approximately 10,500,000 out of a total population of 28,289,000, maintains a complete control and exercises its powers for the promotion of its own interests and progress. In the construction of the national railways everything has been subordinated to the interests of Budapest and Vienna. All the main lines run to these centres and the traffic from the various outlying districts is forced to

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pass through them. Rates are skillfully arranged to favor the Magyar and German shippers over the inhabitants of the more distant non-Magyar districts. The financial and economic development of the Austro-Hungarian empire is made to centre about the two capitals, while the outer fringe of Bohemian Galician, Transylvanian, Dalmatian and Croatian lands, has had to remain satisfied with the fragments and crumbs that were left.

The twin curses of the dual monarchy have been selfishness and immobility. Internal affairs have never been dealt with on their merits; and "immobility became the only pledge of equilibrium." In local affairs national development, racial coöperation, and economic progress were sacrificed to class interests and the demands of the two dominant races. In foreign politics, imperial interests have suffered constantly from the pressure of narrow national claims; and the execution of a successful policy of imperialistic expansion in the Balkans has always been seriously hampered by Magyar opposition which was opposed to the increase of Slavs within the monarchy and to any "Drang nach Osten" that was liable to augment this Slav population. In addition, the Austrian government has shown itself lacking in political acumen, and muddled its internal as well as its foreign affairs badly. "Jamais je n'ai vu des gens si acharnés a travailler contre leur propres interêts," wrote an unbiased diplomat of high repute. But Hungary must bear the chief blame for the failures of the dual monarchy. "From the standpoint of the internal cohesion of the monarchy," writes Mr. Steed, "the Magyar state has acted as a repellant force, powerless for good, powerful for evil; and pending proof to the contrary, students of Hapsburg affairs are constrained to regard the Magyars rather as a liability than as an asset of the Crown."

Nowhere has the failure of the Austrian and Hungarian statesmen been more pronounced then in their relations with the Croat-Serb peoples. These two Slavic races, united by blood, but unfortunately divided by religion, inhabit six provinces of the dual monarchy. Two, Dalmatia and Istria, are

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part of Austria; two, Croatia, and Slavonia, lie within the kingdom of Hungary; and two, Bosnia and Herzegovinia, are administered by the joint government of Austria-Hungary. The favorite Austrian maxim: "Divide and rule," is applied here in full force.

The compromise of 1868, which forms the basis of the present relationship of Croatia to Hungary, was forced upon the Croatians in a packed diet. It has remained ever since a source of dissatisfaction and irritation. Ere long, a movement for Croatian unity and autonomy was started; and for forty years the Croats and Serbs struggled unsuccessfully for their liberties without any help from outside sources. The Hungarian authorities not only remained obdurate, but opposed the Croatians at every point. They even violated frequently the recognized rights of Croatia and suspended the whole constitution in 1883. They professed to believe that every move of the Croats and Serbs for natural protection and local government was a step in the direction of rebellion and independence. And a policy of repression was practiced systematically to hold the people in subjection.

During the long rule of Count Khuen-Hedervary as Ban—1883 to 1903—these methods attained a marked success, but only through the medium of bribery, corruption and intimidation, and at a great cost intellectually and economically to the Slavic communities. The press was muzzled and all the best men driven out of political life. The national, or patriotic, party was crushed through a manipulation of the franchise, and corruption at the polls; but a small number of "irreconcilables" remained to continue the unequal contest. Led by Starcevic and Dr. Frank they succeeded finally in accomplishing a far-reaching work; the arousing in the youth of Croatia and Slavonia of a desire to serve their country and to see it free and autonomous.

In the nineties, the fruit of this labor began to be seen in the appearance of a large number of young men in the political life of Croatia. The leaders among them were certain young Croats and Serbs who had studied under Professor Masaryk

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at the University of Prague, and who were imbued with the patriotic desire of winning freedom for Croatia. Newspapers were started in Prague and Agram to further this movement, and later the "Novi List" was issued at Fiume, where it was beyond the reach of the authorities of Croatia. The movement reached a head in 1903 when the Serbs secured the control of all the municipalities of Dalmatia except Zara, and the new leaders entered upon a vigorous contest to secure the rights of the people in the Croatian-Slavonian elections. An appeal was made to Franz Joseph for an audience, when he was on a visit to Budapest; but, unfortunately, on the advice of Hungary, this was denied. The Croats and Serbs were greatly disappointed, for they had always been faithful to the Hapsburgs and counted on their generosity and assistance in securing a fair deal in their contest for autonomy and liberty. Here the Austrians lost a great opportunity to take over the direction of the movement for reform in Croatia and to use it for the strengthening of the monarchy. The Southern Slav question was one of the most vital problems before the imperial government and no better solution could have been found that the addition of a third (Slav) member to the dual state. Unfortunately the special claims and interests of Croatia have always been presented to the rulers and the imperial advisers by either their prejudiced friends—the Austrian ministers—who were often indifferent to the welfare of the Slav communities, or by their enemies—the Hungarians. So the Croatian leaders drew away from Austria, and made a final appeal to Hungary, thinking that they could trust the sincerity of its leading officials.

By the adoption of the Fiume resolution at Fiume on October 2, 1905, the Croats formulated a program for securing freedom and unity through union with the Hungarian "Coalition Party." On October 16 at Zara the Serbs agreed upon an identical program; and the next year a Serb-Croatian Coalition Party was organized. Its platform contained two fundamental planks: the reincorporation of Dalmatia in the Croatian-Slavonian kingdom, and the removal of the "present intolerable conditions in Croatia." For Hungarian support to

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obtain these things the Croats and Serbs were prepared "to fight side by side with the Hungarian nation for the fulfillment of its constitutional rights and liberties." The reforms so imperatively demanded in Croatia were: electoral reform and freedom of elections; "freedom of the press; right of assembly and association; judicial independence; irremovability of judges; and the formation of special courts to protect the citizen against political tyranny, and to punish arbitrary officials." But, alas, how they were deceived! The Coalition Party of Hungary patched up its quarrel with the Austrian politicians and left Croatia to fight its own battle.

During the next two years, 1908 to 1910, the Croats and Serbs were turned over to the tender mercies of Baron Paul Rauch. In spite of the fact that a new and determined spirit pervaded the land and that the Croat-Serb coalition secured fifty-seven out of eighty-eight seats in the diet by the elections of February 1908, Baron Rauch tried to crush the movement for reform. He began in a systematic and thorough manner to discredit and ruin the Croat-Slav Coalition by arresting some of its leaders and subjecting them to short prison sentences under various pretences. Officials connected with the coalition were dismissed or transferred to distant parts of the monarchy. An insidious and violent attack upon it was opened in the press, in which the cry of treason was raised and the coalition accused of conspiracy with the Servian government to break up the Austrian kingdom. An extensive system of police spies was put in operation throughout the Slav communities, including Bosnia, to discover evidence of this conspiracy. And among other false and untested evidence on the matter to be published—chiefly through the medium of the Pester Lloyd (the government organ) were the astonishing document known as "King Peter's Coronation Program" and the forged pamphlets of George Nastic, published in July 1908. The former was a misleading elaboration of an exaggerated Pan-Serb propaganda directed against Austria-Hungary, and the latter tried to prove that the "Slovenski Jug," a students' reading club in Belgrade, was a secret revolutionary society manufacturing bombs and intriguing in

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Croatia and Bosnia as an agent of the Servian government. This attempt to create a conspiracy and give color to measures of repression, was accompanied by a lively hunt for traitors in Croatia and Slavonia; and, by the end of August 1908, fifty-three Serbs had been arrested and committed for trial. The notorious Agram High Treason Trial followed, lasting from September until January, 1909, which resulted in the acquittal of twenty-two suspects, while the other thirty-one prisoners were freed on April 2, 1910, by the Croatian court of appeal without trial, on the ground that the evidence contained in the indictment was not sufficient to prove the existence of high treason.

It was at this propitious moment that Baron Aehrenthal decided to annex Bosnia and Herzegovinia. When the administration of these provinces was transferred to Austria-Hungary in 1878, Count Andrassy remarked to Lord Salisbury: "J'ai mis le pied sur le tête du serpent;" and Aehrenthal thought to solve the Southern Slav question by bringing the whole body under the foot of Austria. He even hoped to include Servia, if the situation proved propitious.

The Servian government was compelled to remain an impotent spectator of the annexation, because it failed to secure the support either of Russia, or of the Powers, for its claims. But the popular indignation was so great and the attacks of the Servian press so violent that the Austrian minister thought a move against Servia might be safely launched. Accordingly on March 24 and 25 "interviews' with certain prominent officials, together with a letter from Dr. Henry Friedjung—Austria's greatest living historian—based on documentary evidence, were published in the *Neue Freie Presse* at Vienna with the intent to prove conclusively the complicity of the Croatian leaders and Servian governmental officials in a conspiracy against the Austro-Hungarian kingdom. These revelations created a great sensation, convinced the masses of the duplicity of the Servians, and seemed to justify the policy and action of the Austrian government during the recent crisis. But they were not permitted to go unchallenged. The fifty-two deputies of the Croat-Serb coalition, and Mr. Supilo of

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the "Novi List" brought suit immediately against Dr. Friedjung; and in December 1909 the now famous "Friedjung Trial" took place. Dr. Friedjung produced copies of twenty-four documents and every effort was made to prove his case and to secure his acquittal—even the court attempting to intimidate and discredit the Servian witnesses. Nevertheless, it was shown conclusively that all the documents in question were forgeries emanating from a certain Bosnian, Vladimir Vasic (who signed himself as Milan Stefanovic) with the connivance of Count Forgach and the Austrian legation at Belgrade, and at the instigation of Count Aehrenthal. The Croat-Serb coalition was completely vindicated; the "Slovenski Jug" was shown to be a harmless literary society having no revolutionary tendencies and no connection with the Servian government; and the Servian kingdom was freed from the onus of treachery and conspiracy.

The terrorist character of all Servians, as described in the Austrian and Hungarian press, was materially modified by the straight-forward and dignified bearing of the Serb witnesses and the revelations of the trial. It was evident that they were not all bomb manufacturers and conspirators. When Dr. Spalajkovic—the under-secretary of the Servian foreign office—was called as a witness, "instead of the bespectacled bureaucrat of sinister and intriguing aspect whom we had been led to expect," wrote an impartial spectator, "there appeared a tall elegant figure of military carriage, whose courteous and dignified demeanor presented a striking contrast to the studied impertinence with which he was received. Under extraordinary provacation, he invariably kept his temper and showed himself to be a worthy representative of Servian diplomacy." But the seeds of deception had been sown, and it became impossible to disassociate the name of Servia from intrigue, corruption and implacable enmity to Austria in the minds of the Austrian people.

"Count Aehrenthal has been forgiven for excluding morality from politics," wrote the *Agramer Tagblatt* on November 10, 1910. "Will he also be forgiven for destroying by his tricks

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the reputation of the monarchy?" To this question one should add another: "Will he be forgiven for having aroused by his policy toward the southern Slavs a spirit of distrust and enmity between the Austrian and Servian peoples?" Of course no one man can ruin the reputation of a great state. Its character can only be temporarily affected; but it may have to pay the costs of his errors and indiscretions. "Count Aehrenthal," wrote Karl Kraus in *Die Fackel* for January 4, 1910, "who has not stinted our money over preparations for war and proofs of its necessity, who has misused our faith in order to sacrifice our blood, *he* does not leave us in the hours of doubt, he does not go into exile among the Eskimos, he, the condemned of this trial, gives us no public apology, and *we* shall pay the costs." It is the misfortune of Austria that in spite of her remarkable progress during the past eight years in all lines of public service—particularly in the field of political liberty—she is still severely handicapped "by the reactionary influences of the ruling oligarchy in Hungary" and of a similar powerful aristocratic element within the upper circles of Austria. These influences more than anything else have stood in the way of reforms in the field of foreign politics, have prevented the exercise of modern and liberal methods, and have proved the greatest obstacle in the solution of the Southern Slav question.

Count Leopold Berchtold, minister of foreign affairs from February 1912 till January 1915, and an able, well-intentioned statesman, failed to grasp the real significance of the grave crisis which his country was facing. He, too, unfortunately strongly influenced by the reactionary elements, took a narrow partisan view of the Southern Slav question. Greatly disturbed by Servia's large territorial gains in the two Balkans wars, and aroused by the arrogant, defiant attitude of the Servian press, he and his advisors watched every movement of the Servian government with distrust. They returned to the old policy of makeshifts and Servian domination, believing that the only solution of the Southern Slav problem lay in the complete subservience of the little Slav kingdom to the dual mon-

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archy. And they began to look about for an opportunity to reduce her power and to place her permanently under Austrian leading-strings. The murder of the Archduke Franz Ferdinand on June 28, 1914, furnished a ready and stupendous weapon. With it the dynasties of Austria and Germany were induced to give their consent to stern measures against Servia. With it the horrified people of both these countries were aroused to a state of unprecedented enmity toward the little Servian kingdom. With it the military and aristocratic parties in the German empire and the Austro-Hungarian kingdom were able to force the hands of their governments and bring upon Europe the war, for which they had long been preparing. It is true that certain very grave dangers existed for Austria in the new strengthened position of Servia and in the continuance of an anti-Austrian agitation there—unfortunately materially increased since the recent victories of Servia in the Balkan wars; but these dangers were magnified out of all proportion to their importance. An enlightened and honest Austrian government, treating its own Slavs with equity and justice, facing its own internal problems with determination, fairness and broad-mindedness, and executing a liberal and sane foreign policy, had nothing to fear from Servian agitators or European animosities.

There is no doubt but that the attacks of the press of Belgrade upon Austria were unreasonably violent and that a strong anti-Austrian propaganda throughout the country had given birth to an intense popular animosity toward the Austrian régime. The Servian government has been criticised—and perhaps justly—for not having put down this agitation with a strong hand. But in this connection one must remember that no party could have remained long in power that attempted to interfere with the liberty of the press on a question of such national importance, and that the government is forbidden by Article 22 of the Constitution to confiscate newspapers or to take extreme measures against editors. And it must not be forgotten also that the Austrian and Hungarian press was just as violent as that of Belgrade and that a great deal of the blame for the animosity of the Servians lies with the Aus-

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trian leaders. Unfortunately Austria cannot show any sustained or enlightened effort on the part of her statesmen at any time to win the confidence and respect of the Servian people. On the contrary a short-sighted selfish policy of repression and opposition to Serb ambitions, national ideals and progress, through a long period of years, aroused the suspicion and enmity of a proud and sturdy race. The popular agitation fathered by Count Aehrenthal and his kin to discredit the Servian nation recoiled on its promoters. They sowed the wind and their successors are now reaping the whirlwind.

It was not the danger from Servian agitation and plots, however, that stirred the Austrian statesmen so profoundly. It was rather the stumbling block which Servia created in the way of Austrian expansion in the Balkans. For nearly two hundred years Austria and Russia have been competitors for the European lands of Turkey, whom they hoped one day to see ousted altogether from the Balkan territory. Russia changed her policy from territorial expansion to one of political domination; and, grasping the full significance of the varied and strong nationalities of the Balkans, she gave liberally of her resources and of the blood of her subjects to achieve the independence of Greece, Montenegro and Bulgaria and undertook the rôle of protector of all Greek Christians and of the small kindred Slav states.

From 1825 until the establishment of the Roumanian and Servian kingdoms in 1881, she hoped to limit the Balkan communities to mere principalities, enjoying indeed local autonomy, but kept under her domination by intrigue and intimidation. The development of the principalities was seriously retarded by this subservience of Balkan policies to Petersburg policy; and Russia reaped only trouble and discomfiture from it. Realizing at length the folly of this diplomatic program and recognizing in the growing national spirit of the various Balkan peoples something that could no longer be ignored or tampered with, she adjusted her Near-East program to conform with the conditions of the present time. The Russian authorities only grudgingly recognized the establishment of a

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greater Bulgaria in 1885, through the addition of eastern Rumelia. But by the end of the nineteenth century the remarkable progress of Roumania, Bulgaria, Greece, and Servia, and their future prospects, had become apparent. Then Russia saw that her interests as well as the salvation of the Balkans lay in the success of these little states and in the preservation of their independence. In this way not only would the advance of Austria be thoroughly checkmated but also the prosperity and progress of the Balkans assured. Her brotherly interests in the Slav communities would be satisfied as well. So the czar of all the Russians ceased all interference in local affairs and directed his attention to the cultivation of the confidence and friendship of the Balkan governments, and his energies to the creation of a permanent "status quo" in the peninsula. The Balkan alliances and the Balkan wars did not disturb Russia, for their results were seen to be in accord with the new policy of Petrograd.

Austria-Hungary on the other hand, has not materially altered its Balkan policy since the days when Maria Theresa and Frederick the Great of Prussia agreed to the partition of Poland to prevent Russian expansion on the Danube, and when Joseph II and Catherine II attempted a joint triumphal march on Constantinople. She has never abandoned the hope of seeing the Austrian flag floating on the shore of the Aegean Sea. From a German state playing an important rôle in central Europe as head of the Holy Roman Empire she has been gradually transformed into a composite nation in which German, Magyar and Slav elements strive for recognition and control. Losing her Silesian, Netherland and Italian possessions, being disappointed in her aspirations toward Bavarian expansion, and having her leadership in German affairs wrested away from her by Prussia, she was forced to seek "compensation elsewhere." Territorial expansion in the Balkans was a natural consequence and an imperative necessity if Austria was to remain one of the great powers. This new program was the basis of a secret understanding of the emperors of Austria, Germany and Russia in 1872; and the assigning of the administration of Bosnia

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and the Herzegovina to Austria in 1878 and the incorporation of these territories within her domains in 1908 were but incidents in its execution. The movement became economic as well as political; and the authorities of Vienna exerted every effort and influence to secure political and diplomatic control wherever possible and to obtain for Austria-Hungary a dominant part in the trade and economic development of southeastern Europe. This ambition became a dominant factor in their foreign policy and the people were taught to believe it a matter of national destiny. In many ways their efforts were crowned with success. They annexed Bosnia and Herzegovina, created an independent Albania subject in a large measure to the control of Austria and Italy, and made it practically impossible, in diplomatic circles, for any important Balkan question to be settled without their coöperation and consent. They financed a railway from Nisch via Uskub to Salonika, secured control of all the important rail and waterways leading out of their domains, maintained a strict economic dominance over Servian development and trade, and obtained an enormous share of the commerce of southeastern Europe.

The ambition of the Austrian statesman was certainly legitimate. In some ways, it was a matter of life and death for the monarchy. But unfortunately they selected a difficult and thorny path for their expansion and the methods employed to advance their cause were not above criticism. In their way stood a number of independent states whose people were antagonistic to Austria in religion, in blood relations and in political ideals. Where Russia would have been welcomed as a brother and friend, Austria-Hungary was met with sullenness and suspicion, as an alien and an enemy. And where every effort should have been made to secure the confidence of the Southern Slavs, the policy and methods of the Austrian statesmen have roused nothing but hatred and suspicion.

Although trying seriously to aid the Slavs, as in their successful administration of Bosnia and in the matter of the Macedonian reform during the years 1903–1908, the Austrian

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authorities failed to show a generous and unselfish spirit. Their policy was always more Austrian than Balkan. It showed little sympathy for Slavic ideals and ambitions, and has always been tainted with intrigue and injustice. There has been too much of arrogance, of selfishness, and of the rattling of sabres, and too little of national courtesy, tolerance and conciliation.

It is clamed that it was the ambition of the late Archduke Francis Ferdinand to make Austria the leading Slav power of Europe, and to give all the Slav peoples of southeastern Europe a chance to work out their destinies under her protection. He was undoubtedly the one man in the kingdom with sufficient experience and strength of character to carry out such a program. He was not so circumscribed in action by the traditions and promises of the past as the Emperor Franz Joseph; and he was regarded by the people as the one great hope on which the future of the kingdom depended. He was a real friend of the Croatians and Serbs within the Austrian domains; and on various occasions he showed that he understood and sympathized with their position. But he was unalterably opposed to Servian expansion or the erection of any Slav hegemony or federation in the Balkans.

The only practical course open for Austria if she was determined to expand in the Balkans was to increase her federated government by the addition of a Slav state on the same basis on which the dual monarchy was founded. If worked our skillfully, the Hungarian element might be offset by the Slavic so that the Teutons would still retain the predominating voice in public affairs. If Austria-Hungary had a federal organization with a workable scheme for the incorporation of new territory like the United States, the problem would be an easy one. But she is not a real federal state and her fundamental laws are not easily amended or adjusted to new conditions. Nor are her people homogeneous or united; and it is still a question whether Austria, with a Slav problem of her own unsolved, can afford to embarrass her state by the addition of more Slavs. Thus far the Vienna statesmen have succeeded in maintaining a

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fair sort of balance between the various national elements that compose their polyglot state, and between the numberless conflicting interests claiming recognition and support within their realm. To alter this balance is a precarious undertaking. Unless the affair is handled with the greatest skill and most profound statesmanship, and the utmost care is exercised perpetually, catastrophy will follow; and the prophecy of Prince Gortschakov at the Berlin Congress, "The tomb of Austria is in the Balkans," will become a fatal reality.

With these thoughts and aspirations in their minds the Austro-Hungarian leaders were greatly disturbed by the expansion of Servia, Greece and Bulgaria in the Balkan wars. It called for considerable readjustment in their plans and placed them in an anxious and precarious position in Balkan politics. And, when the only man capable of carrying through successfully with a firm and just hand the needed internal reforms and the national Balkan policy was murdered in cold blood, their indignation knew no bounds. The grave dangers of the situation, both to their Balkan plans and to the existence of their state, were fully apparent to the Vienna statesmen and to the people. It is probable, however, that the extent of the danger was overestimated. At any rate, the Austrians were convinced that a malignant cancer had been discovered on the body policy of the Balkans. It must be eradicated at once, even though the operation was painful to the branch on which it was found, i.e. Servia. This erring and vicious member of the Balkan society must be punished and brought to heel at once; and a Commission of Inquiry was set to work immediately after the murder to ascertain the evidences of its guilt. We are not told, however, how the punishment of Servia was to pave the way for the solution of the ever vexing Southern Slav question, or how the humiliation of that small state was to serve in the solving of Austrian internal problems or in the immediate advancement of her Balkan ambitions, unless, indeed, it were forced to come within the Austrian state in the course of the proceedings.

At six o'clock on the evening of July 23, 1914, the Austro-

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Hungarian minister at Belgrade delivered an imperative note to the Servian foreign office, which called for an answer within forty-eight hours. Servia, in addition to arresting immediately, Major Tankosic and Milan Ciganovic, and putting a stop to the smuggling of arms across the frontier, was asked to pledge herself to "suppress every publication that incites to hatred and contempt of the Austro-Hungarian monarchy," to dissolve at once the "Narodna Odbrana" and all other anti-Austrian societies, and to "consent to the coöperation of representatives of the Austro-Hungarian government in Servia to help suppress the subversion movement against the territorial integrity of the monarchy." Official representation in the trial of those conspirators living in Servia was, further, demanded by Austria; and all persons in the military and public service who had participated in the promotion of the anti-Austrian propaganda were to be dismissed. And, finally, the Royal Servian government was asked to publish in its official organ on July 26 a statement affirming that it condemned the propaganda directed against Austria-Hungary, regretted the participation of Servian officers and officials in this propaganda, and disapproved of "every thought and attempt to interfere with the destiny of the inhabitants of any part of Austria-Hungary."

At the same time Servia was informed of the findings of the court at Sarajevo. Its investigations, based on the testimony of the criminals and certain witnesses, were said to have proved that the murder of Archduke Franz Ferdinand was planned by Gavrilo Princip, Nedeljko Gabrinovic and Trifko Grabiz, with the help of Milan Ciganovic and Major Voija Tankosic. The two latter gave the bombs and pistols to the others in Belgrade, trained them in their use; and Ciganovic, with the assistance of certain frontier officials smuggled them with their weapons over the Bosnian border. The inference was that all the men concerned in the conspiracy were Servians, but it has been shown since that two—Princip, who killed the Archduke, and Ciganovic, were Austrian subjects.

In a note to the powers, dated July 24 and containing a copy of the note to Servia, the Austro-Hungarian government

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maintained that the Archduke and his consort "fell victims to a plot hatched in Belgrade." In the "dossier" accompanying the note to the European governments it was stated that while the entire Servian press was advocating war on Austria, a number of societies were formed to prepare for war and for the tearing away of the southern portions of Austria from that monarchy and adding them to Servia. Chief among these societies was the "Narodna Odbrana," which, while pretending to be only a culture society, devoted to the physical, intellectual and material development of the Servian people and nation, was a secret revolutionary body engaged in anti-Austrian conspiracies.

Evidence was given to prove that this organization maintained schools for the instruction of bands of men in bomb throwing, shooting and the laying of mines, and was utilizing the Servian public schools to spread its anti-Austrian propaganda. And an effort was made to demonstrate that the attempt upon the lives of Austrian officials in Agram (Bosnia) in 1912, 1913, and May 1914, as well as that upon the Archduke and his consort, were committed by members of the "Narodna Odbrana," and that some connection existed between it and the Servian government—or at least some government officials. As proof of the nefarious business of this society, its official organ was quoted as stating "part of the main task of the Narodna Odbrana is to effect union between its brothers far and near, on the other side of the border, and with all the rest of our friends in the world" and to preach to the Servian people "the sacred truth. . . . that the monarchy (Austria) aspires to rob Servia of her liberty and of her language, and even to destroy her."

There is little doubt but that the case against certain Servian societies and citizens was very grave. The government and subjects of Austria-Hungary were, also, suffering much commercially and economically, because of the attitude of the Servian nation. And the danger from the ramifications within the Austrian lands, of the Serb plots, was probably far more serious than the public knew. Yet it is one thing to demand the immediate punishment of criminals and criminal

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societies, and quite another to threaten a whole state with violence and even destruction. "No country has suffered more than Russia from outrages planned upon foreign territory," said Mr. Sazanof to the Austro-Hungarian charge d'affaires at Petrograd. "Have we ever claimed to adopt against any country whatever the measures with which your newspapers threaten Servia? Do not enter upon that path."

Yet in spite of the fact that the official press admitted that "since these statements (in the 'dossier') have not yet been investigated, no opinion can be formed for the present as to their validity," the Austro-Hungarian government was ready to condemn the Servian government and people on the interested testimony of a few criminals and witnesses, of complicity in, and responsibility for, one of the most heinous political crimes in history; and this without giving time for the testimony to be sifted, or for Servia to produce new evidence or elaborate any defence. In fact, forty minutes after the Servian government had returned a conciliatory answer to the Austrian ultimatum, it had been adjudged unsatisfactory by the Austrian minister at Belgrade and he was "en route" for Vienna.

"The unscrupulous agitation which has gone on for years in Servia" wired Emperor William on July 28 to Czar Nicholas, "has led to the revolting crime of which the Archduke was the victim. . . . Undoubtedly you will agree with me that we two, you and I, as well as all sovereigns, have a common interest in insisting that all those *morally* responsible for this terrible murder shall suffer deserved punishment." This was undoubtedly the feeling not only of the rulers of Germany and Austria, but also of the press and people of both countries. No one stopped to consider how far the Austrian press and government were responsible for the continued agitation among the Serbs within and without the Austrian monarchy. Nor how much they had contributed to the antagonism and animosity existing between the subjects of the two neighboring states. Nor how large a part the policy of repression and persecution, practiced for many years by Austrian and Hungarian leaders toward the Slavs of the Austrian monarchy,

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may have played in producing the conditions that led to the royal murder. But all united unhesitatingly in laying the whole blame, both for the existing situation in the Balkans, and for the murder of the Archduke, upon Servia and the Servian people.

The German and Austrian diplomats, correctly gauging the state of the public mind, saw that the monarchs and people of both states were ready for a military expedition. Popular demonstrations in the capitals of both countries showed instantly the public favor with which the promise of strong measures was received. The Austrian authorities then determined to undertake the punishment of Servia themselves, for reasons of national honor and security. "It is incompatible with both the dignity and the self-preservation of the Austro-Hungarian monarchy," wrote the German chancellor to the imperial ambassadors at Paris, London and Petrograd on July 23, "that it should continue to look on inactively at the plotting across the border, which continually jeopardizes the integrity of its territory." That Austria was determined to act with promptness and force is further shown by the ultimatum which itself contained Servia's answer to be returned within forty-eight hours. "I have never before seen one state address to another independent state a document of so formidable a character," said Sir Edward Grey to Count Mensdorff, Austrian minister in London. Surely such an important note would require time, not only for the formation of a proper answer by Servia—M. Pashitch, the prime minister, being absent at the time from Belgrade—and for an exchange of views until a complete understanding could be reached, but also to afford an opportunity for Russia, and, if necessary, for the Powers to intervene in bringing pressure to bear on Servia and in preventing European complications. European sympathies generally were with Austria; and the Powers were prepared to admit that she had just cause for complaint and for insisting on energetic measures. But it was hoped she would proceed slowly along recognized diplomatic lines, allowing Servia an opportunity to state her case and to arrange for reasonable amends. The requests of Russia and

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England, that more time be given Servia, were declined by Austria on the ground that it was too late; and the suggestion of Sir Edward Grey for a conference of Germany, Italy, France and England, as well as Russia's offer of direct discussion with Austria, were both ignored because Austria and Germany wished to localize the trouble so that Austria could settle the affair in her own way and to her own satisfaction. No attention was paid even to the last great effort of Grey who offered to secure the consent of France and Russia to any scheme that Germany might propose, which would make possible a settlement of the difficulty without the risk of European war.

The real motive for the now famous ultimatum was not after all so much to punish Servia, as it was to secure the position of Austria-Hungary in the Balkans. "The agitation conducted by the Pan-Slavs against Austria-Hungary has, as its principle aim," wrote the German Chancellor to the Confederated Governments of Germany, "the dissolution or weakening of the Triple Alliance by means of the destruction of the Danube Empire, and, as a result, the complete isolation of the German Empire." Germany was ready to use its influence to localize the trouble and give Austria free swing. Or failing this, through the intervention of Russia, she would "support the neighboring monarchy with the entire might of the German Empire."

Here one can lay the finger upon one of the real causes of the war. The situation was so grave, and the danger to the dual monarchy and the Triple Alliance so great, that the two allies were prepared to settle all the questions at stake by the sword, if diplomacy failed. Unfortunately the diplomats were not given a fair opportunity; and the future lies on the knees of the God of Mars. But will future historians be able to prove that the blundering diplomacy of Austrian statesmen and their systematic cultivation of racial hatreds and rivalries in the Balkans were *not* dominant factors in creating those dangers which threatened the monarchy in 1914? And will they be able to justify the appeal to force so skilfully advocated by leading authorities in both the empire and the dual monarchy?

"The moment is still favorable for us," wrote the *Mili-*

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tarische Rundschau of Vienna. "If we do not decide upon war, the war we shall have to make in two or three years at the latest will be begun under circumstances much less propitious; now the initiative belongs to us. Russia is not ready, the moral factors are for us, might as well as right. Since some day we shall have to accept the struggle let us provoke it at once. Our prestige, our position as a great power, our honor, are in question. There is still more, for in all probability it is our existence which is at stake. 'To be or not to be'—that is really the big business of today."

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GOVERNMENTAL REORGANIZATION IN ILLINOIS[1]

JOHN A. FAIRLIE

Director of the Efficiency and Economy Committee, State of Illinois

In its broad outlines the state government of Illinois resembles that of most of the American States—but with the most recent tendencies as yet only slightly developed. The present state constitution, adopted in 1870, illustrates the political ideas prevalent in the middle of the nineteenth century—the election of all classes of public officials, the disintegration of the executive branch of the government, and the distrust of the legislature, and the provisions of this constitution are stereotyped by an amending article under which alterations have proved almost impossible. There has, however, been an increasing development of administrative authorities, created by statute, and added one to another with almost no attempt at systematic organization. From 1909 to 1913, there were not less than 34 new state offices, boards and commissions established, and the total number of such executive agencies is now approximately 130.

Under the present arrangements, there is no correlation between related offices, and little or no effective supervision; there is no budget system and no adequate accounting system. As a result the public administration is inefficient and wasteful; it fails to furnish the general assembly with satisfactory advice on legislation; and there is no clearly defined responsibility for the conduct of public affairs; appropriations and expenditures have been rapidly increasing, the appropriations in 1913 for two years amounting to nearly $38,000,000.

Passing over isolated and minor efforts, there are two distinct and important projects now actively before the state and the

[1] A paper read at the eleventh annual meeting of the American Political Science Association.

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coming session of the general assembly involving extensive and fundamental changes in governmental organization. One is the definite series of proposals of an efficiency and economy committee, created at the last session of the general assembly, for the reorganization of state administration. The other is the proposition for a convention to revise the state constitution.

ADMINISTRATIVE REORGANIZATION

The efficiency and economy committee consists of four members of each house, and was organized to make a general investigation of the numerous state boards, commissions and bureaus established by statute, with a view to consolidating and reorganizing them so as to promote greater economy and efficiency. The report of this committee is now ready for submission to the general assembly; and it is my purpose here, to discuss briefly some of the methods of the committee, and the general principles of its proposals.

As a basis for its work the committee has had prepared a survey of the administrative authorities and services of the state, with comparisons of conditions in other states and countries. A series of reports on different groups of administrative agencies has been made—largely by members of the faculty of the University of Illinois—forming it is believed the most comprehensive study ever made of the organization, powers and duties of the executive administration of any state government. These will be published as appendices to the committee's report.

Following the submission and consideration of these reports, a series of tentative plans of reorganization were approved; and a preliminary report outlining the general scheme was published. These plans were then further discussed, at a series of public hearings held in Chicago and Springfield, with public officials, representatives of associations and other citizens, resulting in some modifications of the tentative plans. Later meetings of the committee have been given to formulating its report, and the consideration of bills to carry out the reorganization proposed.

As a result of this procedure, the plans recommended form a comprehensive and related series, covering the whole field of

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state administration, as created and regulated by statute. These plans have been based on a detailed study of the existing authorities and their present powers and duties; and they thus present what may be called a "practical" program, rather than a purely ideal scheme of state organization and activities. This does not mean that the recommendations are limited to those which can be easily enacted into law at once. It means that the plans have been prepared with reference to existing conditions, and that they are adapted to prompt adoption and execution. No extensive changes have been proposed in the substantive law; although in some cases the existing legislation has been consolidated and simplified in the bills to be presented.

The plans presented propose the organization of the state administrative services into a series of ten principal executive departments, as follows:

Finance, education, charities and corrections, public works, labor and mining, agriculture, health, trade and commerce, military affairs and law. A few offices will remain outside of these departments, as the secretary of state, the civil service commission and the legislative reference bureau. So far as possible under the present constitution these departments will be under the control of officials appointed by the governor, with the advice and consent of the senate; and in each department will be organized the several bureaus and offices dealing with closely related public services.

Some variation in the organization of the several departments and the powers of the central authority has seemed better suited to existing conditions than a strictly identical system for all. Thus in some departments, as agriculture, labor and mining and law, there will be a single official at the head. In other cases, as in finance, education and charities and corrections, the general authority will be a board or commission. But the present confusing chaos of organization will be materially simplified. Single officials are recommended for distinctly executive work; and boards are proposed only for advisory, quasi-legislative and quasi-judicial functions. The number of boards will be largely reduced; and the boards proposed will be for the most part com-

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posed either of unpaid members, or of members paid salaries for full time service. Boards whose members are paid for part time service, and provisions for the representation of more than one party are disapproved. Many of the existing boards will be abolished, merged with other authorities, or replaced by single officials.

Probably the most important part of the proposed plan is that for the department of finance. For this there is recommended a state finance commission, composed of a state comptroller (as chairman), a tax commissioner and a revenue commissioner, appointed by the governor and senate, with the elected auditor of public accounts and state treasurer *ex-officio*. The commission will have general supervision over the department, while each official will have important specific powers; and the department as a whole will deal with the assessment and collection of revenue, the preparation of a budget, and control over expenditures, forming a more comprehensive organization of finance administration than in any state of this country at the present time.

The plans of organization for the proposed departments will, it is believed, provide for an effective correlation and supervision of state administration, and for a comprehensive budget and system of accounts, which should greatly increase its efficiency, and bring about a direct saving in expenditures, estimated at almost a million dollars a year. The new administrative organization should also aid the general assembly in connection with legislative matters and should establish a responsible system of government in this state.

CONSTITUTIONAL CONVENTION

Among the serious obstacles to a thorough reorganization of state administration in Illinois, are the constitutional provisons for the election of a number of executive officers in addition to the governor; and a complete scheme of administrative reorganization will require the amendment of the state constitution. Several other changes in the state constitution have been

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vigorously urged for several years, including an amendment on taxation, the initiative and referendum, the abolition of the system of cumulative voting for the house of representatives and woman suffrage. None of these proposals have, however, been submitted, partly because of a provision in the present constitution, prohibiting the amendment of more than one article of the constitution at a time, which has brought about a deadlock between the supporters of rival amendments. This in turn has led to proposals for an amendment of the amending article, which has added to the complexities of the situation.

A resolution to submit to the people the question of calling a convention to revise the state constitution was passed by the senate at the last session of the general assembly; but failed to pass the house of representatives. During the year 1914 there has been organized a constitutional convention league to urge the calling of a convention; and more than the required two-thirds of each house of the 1915 general assembly are said to be committed to submitting the question of calling a convention at the next general election.[2]

A considerable number of amendments to the constitution have been actively urged; and with the present restrictions on the adoption of amendments submitted by the general assembly, a convention seems the most effective method for securing these changes. At the same time it must be admitted that no definite program for a general revision of the constitution has thus far been presented. If a convention is to be held, there is need for a large amount of preliminary study of how the provisions of the present constitution work and of the numerous changes proposed in this and other States.

As a partial step toward meeting this need, there has been organized a committee from the law and political science faculties of the University of Illinois, the University of Chicago and Northwestern University, with others actively interested in public affairs. This "Universities Committee' has undertaken to

[2] A joint resolution to submit the question of calling a constitutional convention was again passed by the senate in March, 1915, but again failed to receive the required two-thirds vote in the house of representatives.

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collect and digest the materials needed for the work of a state constitutional convention, and to discuss and analyze various proposals for constitutional provisions. Meetings have been held at intervals for about a year; and it is expected that these studies will be completed and the results published and made available for the general public and for a convention if it is called.

It may also be noted that the efficiency and economy committee in its report recommends that the general assembly provide for a comprehensive survey of state and local government, as a basis for future statutory and constitutional changes. Such a survey authorized and supported by the State, could do much to prepare the way for a more careful and scientific revision of the state constitution than has yet been undertaken.

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ADMINISTRATIVE REORGANIZATION IN IOWA[1]

F. E. HORACK

State University of Iowa

Apart from the agitation of such questions as the regulation of primary elections, equal suffrage, the initiative and referendum, and the debates on the establishment of the board of control of state institutions in 1898 and the creation of the state board of education in 1909, there has been little or no discussion of the problem of the reorganization of state government in Iowa until very recently. Indeed, a lively interest in the problems of reorganization seems first to have found expression in 1913 in the thirty-fifth general assembly which, besides endorsing the short ballot principle by providing for the appointment of the state superintendent of public instruction, the clerk of the supreme court, and the supreme court reporter, authorized the joint committee on retrenchment and reform to employ "expert accountants and efficiency engineers" and to "institute such changes in the administration of public affairs as will promote the efficiency and economical administration of the affairs of the State in its various departments."

It was in accordance with the legislation of March 17, 1913, that the firm of Quail, Parker & Co. was engaged to assist the joint committee on retrenchment and reform and under the direction and supervision of that committee "to examine and report upon the existing procedures incident to the transaction of the business of the State in the various offices and departments located at the seat of government in the city of Des Moines; and to make recommendations with a view to the betterment thereof." The sum of $10,000 was appropriated to meet the expenses of the proposed investigations. On Sep-

[1] A paper read at the eleventh annual meeting of the American Political Science Association.

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tember 13, 1913, the work of the "expert accountants and efficiency engineers" was terminated under instructions from the Committee, and their final report was submitted under date of December 21, 1913.

From the final report—which fills 241 pages of closely typewritten matter—it appears that the efficiency engineers, after making preliminary examinations of all of the offices and departments located at the state capital, proceeded with detailed investigations of the office of governor, the office of the auditor of state, the office of the treasurer of state, the office of the secretary of state, the office of the executive council, the office of the board of control, the office of the board of education, the office of the custodian of public buildings, and the office of the dairy and food commissioner. A report on the department of agriculture was presented on March 25, 1913, and a preliminary report on the heating plant was presented on May 21, 1913. Other detailed investigations were curtailed owing to the lack of sufficient funds to carry on the work.

Besides suggesting more modern methods and recommending numerous economies in the work of the several offices and departments—especially in the executive branch of the government—the efficiency engineers make some far-reaching recommendations relative to "the reorganization of the executive functions" of state government. And they direct attention to the fact that the adoption of what they call their "basic plan of reorganization" would not require the amendment or revision of the state constitution. In other words, the reforms proposed could be brought about through ordinary legislative action.

With respect to the legislative branch of the government the report proposes no organic change, but strongly urges the organization of a well equipped legislative reference bureau in connection with the state library.

The judicial department of the state government was given only a cursory examination by the efficiency engineers, who offer no recommendations in their report but call attention to a plan for the reorganization of the judiciary recently pro-

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posed by William R. Vance, dean of the College of Law of the University of Minnesota, in an address delivered on January 15, 1914, before the bar association of South Dakota—which plan they "believe is well worthy of consideration."

Thus the "basic plan of reorganization" proposed in the report of the efficiency engineers relates primarily to the executive branch of the state government, and calls for no alterations in the state constitution. It recognizes the fundamental principles of (1) the short ballot, (2) the concentration of authority and the location of responsibility, (3) the scientific budget, (4) the merit system, and (5) business efficiency.

In the first place, the plan proposes the union of the offices of the auditor of state and the treasurer of state through the establishment of a new department to be known as the finance department. Similarly the establishment of a new department to be termed the legal department is proposed through the union of the offices of the secretary of state and the attorney general. This union of offices would in fact be simply a union or rearrangement of the functions and duties prescribed by legislation, without affecting the constitutional status of the offices. In addition the plan proposes to create (1) the office of state purchasing agent, (2) an official known as the chief accountant, and (3) a civil service commission or bureau organized to administer the merit system which is to be used in filling all executive and administrative positions except the constitutional offices and the heads of the seven departments.

Under the direction of the auditor of state and the treasurer of state, the new finance department would control the whole accounting of the state government. Moreover, the creation of this new department contemplates the adoption of a scientific method of budget control, a scientific accounting system, and an independent audit and examination of accounts.

The proposed new legal department would be comprised of the offices of the secretary of state and the attorney general and would handle all matters of legal record and justice. In the plan for this new department the secretary of state is "in charge of the executive and legislative records, and the

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motor vehicle bureau; while the attorney general will conduct his branch on similar lines to those at present existing."

Having thus outlined the reorganization or redistribution of the functions of what may be called the "general administration offices," the efficiency engineers propose the further rearrangement, classification, or grouping of the executive functions and activities of the state government into the following seven departments:

I. The Department of Agriculture.
II. The Department of Commerce and Industries.
III. The Department of Public Works.
IV. The Department of Public Safety.
V. The Department of Public Health.
VI. The Department of Education.
VII. The Department of Charities and Corrections.

To one or another of these seven departments all of the existing subdivisions of the executive branch of the government will be assigned. Each department is to be under the immediate control and direction of a director general. The governor shall himself assume the portfolio of director general of the department of public safety. The heads of the other six departments shall be appointed by the governor, but such appointments shall be subject to ratification by the senate.

Moreover, the executive council as now constituted is to be abolished entirely, and a new executive council, consisting of the director generals of the seven departments, is to be created. This new executive council would serve as a kind of executive cabinet and the governor would be its chairman. Thus, it is clear that under the proposed plan of reorganization the governor would be the real head of the state administration.

THE PLAN OF THE COMMITTEE ON RETRENCHMENT AND REFORM

About the middle of November, 1914, the joint committee of the thirty-fifth general assembly on retrenchment and reform submitted a preliminary report, embodying recommendations to the thirty-sixth general assembly based largely on the report

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of the efficiency engineers just referred to. This is a brief report of twelve pages, and "a more formal and complete report" is promised at a later date.

In this report the committee sets forth a plan for the reorganization of the executive branch of the state government which contemplates the concentration of authority in one head —the governor of the State. The duties of the constitutional state officers such as the secretary of state, the state treasurer and state auditor would be confined to the narrowest limits possible. That is, the secretary should be merely a recording officer. The auditor should look after the State's accounting and the treasurer should be limited to the handling of the State's revenues. The committee also declares that their plan contemplates the ultimate abolition of these officers through constitutional amendment, thus giving Iowa the short ballot. In this way the governor would be left free to choose the various officials through whom he must carry out his policy.

The plan of the committee contemplates the division of the various departments of the State's activities into three great divisions, each headed by a chief appointed by the governor, and having general supervision over the several departments placed under him.

The three departments contemplated in the plan of the committee are designated as (1) the department of social progress, (2) the department of industries, and (3) the department of public safety. To these three departments all of the existing sub-divisions of the executive branch of the government would be assigned. The three department heads would, moreover, become "the cabinet of the governor and responsive to his policies."

In this way the committee believes that much will be gained in economy and efficiency in the state administration. The committee further declares that every appointee should be subject to removal by the governor for cause, and though they assert that ability and not political affiliation should control appointments, no other suggestion for the establishment of the merit system in civil service is made. Other suggestions

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designed to put the State's affairs on a modern business basis, including the adoption of the budget system, changes in legislative procedure, permanent automobile license numbers, a purchasing agent, and other minor administrative changes, are recommended.

The arrangement of departments suggested by the efficiency engineers is open to criticism but in the opinion of the writer it is much superior to the threefold division made by the committee on retrenchment and reform. The educational institutions of the State might as logically have been classed with the fish and game commission, meandered lakes and dairy and food commission as to be classed with the penal and charitable institutions. The same objection may be raised to the incongruous association of the state veterinary department, the railroad commission, the banking department and the inspector of bees all in one department (industries). In like manner the fish and game commission, meandered lakes and capitol extension are classed under the department of public safety.

The committee is at least on the right road to the solution of the problem of the reorganization of state government, and whatever may become of their recommendations or those of the efficiency engineers, Iowa has at least been placed on the firing line of the battle for the reorganization of state government.

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THE REORGANIZATION OF STATE GOVERNMENT IN KANSAS[1]

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During March of 1913 Governor George H. Hodges of Kansas was the most talked-of and written-about governor in the United States. His message of March 11 to the Kansas legislature was probably the most quoted message of the year. To students of state government this message presented nothing new. It probably would be just as true to say that much of this message presented little that was new to the great majority of intelligent voters. It certainly suggested nothing unfamiliar to most thinking legislators in Kansas. Nevertheless it was a unique message and it merited all the publicity it received. That this should be true is one of the paradoxes of American politics.

For years editors, students, and legislators themselves have been making the same criticism of our American methods of lawmaking that Governor Hodges makes. And from many quarters had come practically the same proposal for reform that the governor advocates. One of our American States had attempted the year before by direct popular action, to adopt a much more thorough going scheme of state reorganization. But we are a conservative people, and for some reason or another, we are but slightly stirred by criticism or suggestion for change in our governmental machinery unless it comes from an official source. Let congress suddenly discover that there is an insidious lobby at Washington and we all demand immediate house cleaning. Let a mayor expose graft in the police department and we clamor for reorganization. And let a governor tell us that the people are not really represented at the capital and we

[1] A paper read at the eleventh annual meeting of the American Political Science Association.

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make him our oracle. Until we have just such confirmation of what we have long known, however, we live serenely confident in the excellence of our government, and speak contemptuously of "muckrakers." Perhaps this is as it should be. At any rate, it is.

Mr. Hodges' message may, therefore, become "epoch-making." It is, at least, an important political document. In it the governor says without reservation that our time honored system of lawmaking has broken down and needs a thorough overhauling. He then presents, in outline, a constructive proposal for the reorganization of our legislative department—a small one-house body in which the governor shall have a seat, meeting without restriction as to session and elected for four or six years. Governor Hodges adds "For myself, I can see no reason why this new idea of government by commission should not be adopted for the transaction of the business of the State." Whether used inadvertently or not, for he had referred to the success of commission government in cities in the preceding paragraph, the phrase "commission government for the State" was immediately fastened upon the governor's proposal, in Kansas and out, and it appears upon the program of this meeting.

"The Kansas idea" so-called is sailing under false colors. Much has been said for it and against it in many places because it is clearly misconceived. Advocates of the commission form for cities have sought to prove that it will work wonders in the State as it has in cities. Opponents of the commission plan for cities have found that it will mean bureaucracy in the State. Others have sagely shown that the problem of state government is so different that what has been good for cities may not be good for States. Even the Kansas newspapers confuse the proposal with the city commission. Referring to the message, *The Iola Register*, a stalwart Republican paper edited by Ex-Congressman Charles F. Scott, declared that "the fundamental fault with the commission plan of government for a State is that it combines the legislative and executive powers, and there cannot be found in history a case where such a com-

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bination did not result in bad government." The *Lawrence Democrat*[2] declared that "it combines the executive with the legislative department and bestows altogether too much authority upon a few men." This editor, it might be said, was nevertheless an active advocate of commission government for the city of Lawrence. The *Beloit Call* was opposed to the plan for cities or States since it "establishes a bureaucratic system of government," and the *Syracuse Journal* speaks of the plan as a scheme for abolishing the legislative branch of the government. The *Salina Union* suggests "as a workable compromise" an elective commission to take the place of the present administrative organization, leaving the legislature as it is now organized. It must be very evident that this suggestion is not a compromise at all for it does not touch the matter of the Hodges' plan.

That an orthodox scheme for a state governing commission has been advocated in Kansas is perfectly clear. *The Kansas City Star*, a Missouri paper with a host of Kansas readers, has for several years tried to persuade Kansas that Kansas is the logical State to try out a commission. Eight men should pass the few necessary laws and, with the help of a few department clerks, conduct the administrative business of the State—this is the substance of the *Star's* scheme, and one which it has often referred to as the Hodges' plan.

Mr. Hodges has not always been careful in the use of terms nor in making his argument for legislative reorganization but it is certain that he has refused to be responsible for the *Star's* statement of his case. At the governor's conference in Denver, August 1913, he took occasion to say, "I have not at any time proposed, as I have been credited with doing, commission government for the State. If it is ever attained, I think it must be step by step, and so my proposition is for a small single house legislature as the first step. If it prove a success it will then be time to consider the question of taking another step. What we now want is a legislature in which there will be real

[2] After the adjournment of the Legislature of 1915 this paper came out in favor of a one-house body.

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deliberation and real responsibility." Whether the governor looks forward to a complete reorganization of the state administrative system or not, or whether, if he does, he would wish to merge political and administrative functions to the extent of having elected officers both make laws and be real executives, I have not been able to determine from what he has said or written, He has often quoted from the speech of President Wilson which begins "Elaborate your government; place every officer upon his own little statute; make it necessary for him to be voted for, and you will not have a democratic government." It is a familiar passage to those who have followed the campaign for a shorter ballot. President Wilson, in this address, evidently aimed at our complicated and futile process of electing administrative officers and the resulting irresponsibility. But Governor Hodges uses this short ballot address to bolster his argument for a reduction in the number of our legislators, apparently overlooking the fact that under his proposal the people would still vote for the same number of representatives or perhaps more.

It might be urged that the election of members on a non-partisan ballot and the place of the governor in the system give it the commission character. It should be noted, however, that the alternative of minority representation is provided, so that, after all, this is merely a device for making the body as representative as possible. The giving of *ex-officio* membership in the legislature to the governor does not alter his administrative position at all but is designed to strengthen his political position. We can, therefore, take Mr. Hodges at his word and conclude that the Kansas plan of which we have heard so much is not a commission plan.

To give an adequate account of what is going on in Kansas in the direction of reorganization it is perhaps necessary to give a fuller account of Mr. Hodges' position. The analysis which follows is based upon his plan as it developed in 1913. It was the subject of a good many addresses which he delivered in all parts of the State—addresses illustrated by many examples of ridiculous and meaningless legislation passed while he was a

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member of the state senate. The criticism of the existing legislative organization may be summed up under several heads.

1. The two house system is neither efficient nor representative. The people have recognized this in the constitutional restrictions upon legislative action and in the governor's veto.

2. A bicameral body yields readily to the political expert and to the private interests but not to popular control.

3. This organization results in cumbersome and complicated legislation and is responsible for many crude and illy digested laws.

4. The public cannot lay the responsibility for pernicious legislation upon any particular member of the legislature.

5. There is no incentive to the individual to accomplish anything.

6. Sessions are short and most members have no legislative experience. The wonder is that we get anything good.

7. The closing days of the session, with the omnibus roll calls, make for haste and duplication. As evidence on this point Mr. Hodges cites the fact that chapters 177 and 178, and 174 and 175 of the Kansas Laws of 1913 are duplicates. Chapter 75 of the Laws of 1913 was repealed three times. Chapter 318 of these same Laws was immediately amended by chapter 319. Chapter 82 of the Laws of 1911 was repealed by section 7 of chapter 89 of the Laws of 1913 and after being repealed was then amended and again repealed by chapter 198.

8. The check and balance feature of bicameralism has not made for deliberation or guaranteed real representation.

9. The joint committee on revision of the calendar, during the last week of the session, becomes the body which actually dictates what enactments shall comprise one half the laws upon the statute books.

A summary of the constructive features of the plan repeats in part what has already been said but it is here set down in full.

1. A one house body of not more than sixteen members.

2. This body to be elected, two from each congressional district, or one from each district and the other eight at large; or

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perhaps nominations should be made by districts and all sixteen elected at large.

3. The ballot should be nonpartisan or provision should be made for minority representation.

4. The governor should be *ex-officio* a member, and the presiding officer of this assembly.

5. It should meet in frequent regular or adjourned sessions as exigency may demand.

6. The term of office should be four or six years with provision for the rotation of terms.

7. The salary paid should justify members in devoting their whole time to the public business.

8. The journal of the proceedings of this body should be published and distributed by the State to every voter.

9. Provision should be made for the recall and for the iniative and referendum.

It appears, then, that the movement for reorganization in Kansas is purely in the direction of legislative efficiency. It is the kind of reform which was proposed at the Ohio constitutional convention, and it has some of the features of the Oregon proposal. Conversely it is radically different from the recommendations made recently in Minnesota and Illinois, and also from the semi-official plans which have been advocated in Oklahoma and Colorado. Whether it will come to anything in the near future is a matter of sheer speculation. During the spring and summer of 1913 many of the leading state newspapers commented favorably upon the governor's message and it received endorsement from a number of local associations such as the Wichita Realty Men's Association.

But that any support for any such proposal may be expected in the next legislature it is idle to predict or to deny. Nothing was heard on the subject in the campaign, the party platforms omitted mention of it—even Mr. Hodges' party, the Democratic, was silent on the subject—and no non-political group has come forward to champion it. Mr. Hodges has declared several times, however, that he has not wanted the question to become a political issue and Kansas has taken him at his word. But it

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is probable that a resolution providing for an amendment such as the governor suggested will be introduced. Senator J. W. Howe, a close political friend of Mr. Hodges has already prepared such a resolution. It follows very closely the plan outlined above, a legislature of sixteen, two members from a district, four regular sessions a year, four year terms—one half the members to retire biennially—and provisions for the filling of vacancies by the governor except within sixty days of a regular election. No change is made in administrative organization by this resolution and Mr. Howe makes it very plain that he seeks legislative change only.[3]

Where are we in this matter in Kansas? I do not know. No one in Kansas does. We have heard almost nothing about reorganization for a year, except in our colleges and high schools where it has been a favorable debate question. I have answered scores of letters touching the subject but they have come from outside of the State. I think it is a safe guess that Kansas will not be the first State to radically revise the present state organization. We have a reputation for being radical in our State but in many ways I think it is quite undeserved. In legislation we have held our own with progressive States and in some directions we have led the van. But in the field of constitutional amendment Kansas has been very conservative. We believe in the fathers, both state and national, and in the good old words republican and democratic spelled without capitals. We are, in the main, pretty well satisfied with our government, and perhaps we have reason to be. Kansas is prosperous and contented—it stands high in per capita wealth and in the number of motor cars owned and operated. This may explain the type of conservatism of which I speak. There may be other explanations. Kansas is still puritan and rejoices in the fact. There are no large cities in the State. There are few, if any, millionaires and there is relatively little abject poverty. The labor problem is not acute. All of these facts may help to account for this conservatism. We do not as

[3] This resolution *was* introduced but it received scant consideration.

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yet have municipal home rule,[4] the initiative and referendum, widows' pensions or industrial insurance—such things as one might expect in what we call progressive States. The recall which was adopted at the recent election was a farce initiated by opponents of popular government. The amendment providing for a modern tax system was recently defeated. There are rumors afloat which means that the direct primary[5] is to be attacked in the coming legislature.

I do not for a moment wish to imply that Kansas is reactionary—as that word is now being used. I am merely suggesting that Kansas is sufficiently conservative[6] to wish to see some other States try a reorganized state system first. I hope that I am wrong. I should like to see a thoroughgoing change made in our system of making law and Kansas is for many reasons a good field for such an experiment. Since Kansans are what they are no harm could be done.

I believe that legislative reform should aim in two directions. First of all law making ought to be made a simpler concern and a legislature should be created with that end in view. Modern conditions demand a single relatively smaller body working without the elaborate checks which once seemed necessary. We need to utilize legislative experience. There is nothing gained nowadays in passing memberships around for we can develop political interest in scores of other ways. We need publicity of measures and men and that can only come by making the legislature a forum such as it once was. We must make it attract the men we want to see there.

In the second place the restrictions which our constitutions have gradually heaped upon legislative bodies should be swept away. They should be freed from the task of legislating for purely local needs. They should be allowed a larger freedom in method and procedure. Many of the constitutional guarantees we once thought so necessary can well be dispensed with. Let us not constantly invite the court to legislate. Put the

[4] Introduced and defeated in the 1915 session.
[5] This attack on the primary finally failed.
[6] The legislature of 1915 showed itself extremely conservative.

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responsibility for the making of law to fit contemporary conditions upon the legislature, where it belongs. If we shift all responsibility from the shoulders of our representatives we ought not to blame them for finding it out. The way to get responsible legislatures is to make them responsible. Give them time and opportunity to work out our problems unhindered by the ball and chain of a bygone generation. This is the lesson the democracy must learn if it is to cope with the problems of the twentieth century.

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ADMINISTRATIVE REORGANIZATION IN MINNESOTA[1]

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The governor of Minnesota, Hon. A. O. Eberhart, in his message to the state legislature in 1911, made an exhaustive statement concerning the defective and expensive administrative system of the state, pointing out the lack of adequate centralization, responsibility and coöperation, suggesting a definite plan of reorganization, and making an earnest plea for legislative action; but his plea fell upon deaf ears. Again in 1913 he reargued the case but restricted his suggestions to the reorganization and systematization of only two departments: (1) the department of public domain and (2) the department of agriculture. These departments were not reorganized; instead the House of Representatives appointed a committee on public accounts. This committee made a partial study of the situation and filed a report. Nothing further was done except to introduce more than half a hundred bills dealing with state economy and efficiency, one of which passed, an act providing for an educational commission for investigation purposes.

Perhaps one reason the legislature did not undertake a thoroughgoing reorganization of the administrative machinery of the state government is because the members wanted a scientific, impartial investigation of the whole subject made so that action might be taken only after full knowledge. However, the legislature did not provide for a general committee to study the whole situation but went at it piecemeal by providing for a commission to study a single problem. This method of dealing with the question induced the governor after nearly a year's delay, to

[1] A paper read at the eleventh annual meeting of the American Political Science Association.

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take the matter in hand. In October, 1913, on his own responsibility he appointed a commission of 30 public spirited citizens of the state to study the situation and report to him their findings and suggestions for reorganization.

The commission was known as the Efficiency and Economy Commission and consisted of the president of the State Federation of Labor, six bankers, two capitalists, one real estate man, one hotel proprietor, one laundry proprietor, eight lawyers, one political writer, two editors, one clerk of the district court, one member of the State Board of Health, the private secretary to the governor, one member of the Educational Commission, two university professors, one the president of the American Economic Association. The consulting statistician was a university professor and former director of the United States census. Eight of the members have had experience in the state legislature. All sections of the state and all phases of political affiliation were represented. In personnel, ability, training and experience, the commission deserves to rank with a constitutional convention. The members served without pay, bore their own travelling expenses and raised money by private subscription to employ a full-time secretary.

The commission was divided into appropriate committees which held numerous meetings and collected a mass of information. It made two reports, one a preliminary report in May and a final report in November, 1914.[2] Both were adopted unanimously. The preliminary report stated reasons for the reorganization of the state government and the final report proposed a bill in complete form for reorganizing the civil administration of the state. The preliminary report was discussed in the last campaign by candidates for the legislature, by the gubernatorial candidates of the leading political parties and by the newspapers and citizens. The retiring governor will have the satisfaction of reporting the findings of the commission to the incoming legislature which meets in January, 1915. The governor-elect, Hon. W. S. Hammond, has already had an

[2] These printed reports may be secured by addressing Mr. John S. Pardee, secretary, Room 239, State Capitol, St. Paul, Minn.

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informal conference with the commission and has pledged himself to reinforce his preelection promises by strongly commending the reports in his first message to the legislature. Altogether the situation seems auspicious for the adoption of the plan recommended by the commission.

The commission finds that the total expenditure of the state in 1900 amounted to something less than $6,000,000; in 1910, $11,000,000; and in 1912 a little less than $15,000,000. This increase is due in part to an extension of state functions, but much is due to the lack of proper organization, coördination and financial methods. The commission did not inquire into the honesty or efficiency of individual officers and employees. It did not look for "graft" but for defects in the system. It finds the administration to be incoherent, with little fixed responsibility to either the governor, the legislature or the people. Lack of coördination is shown by a letter which the state fire marshal recently received which reads as follows:

"Dear Sir: The hotel inspector has ordered me to put in a new floor. One of your deputies has instructed me to tear down the building. Which shall I do first?"

The 75 different administrative units including semi-official associations which the commission designates as a "fringe of government" have a wide diversity of structure, being organized under five different forms: (1) the single individual; (2) paid boards; (3) unpaid boards with a paid secretary; (4) *ex-officio* boards of executive officers whose time is already fully occupied, the governor belonging to 16 such boards; finally (5) semi-private associations. This statement shows a preponderance of the board system. Discussing the board system, the commission says: "Students in political science are all agreed that executive work should be done by individuals and not by boards. The average citizen has come to the same conclusion. The board system tends to delay and inefficiency. It dissipates responsibility. No one knows exactly who is to blame if work is badly done. Boards are necessary for legislative and judicial work; they are useful to give advice; they are not suited to administrative tasks. Moreover, under the

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board system the governor has little control over the administration. The board members usually have overlapping terms. Each governor appoints only a minority. Each board is a government by itself."

The commission reported a plan of reorganization that can be accomplished at once by the legislature without going through the tedious process of amending the constitution. It includes three main features: (1) reorganization of the executive service; (2) the merit system in the civil service; and (3) the budget system of appropriating money. These will now be presented analytically in the main and not critically.

I. ORGANIZATION

1. The Civil Administration

The civil administration is vested in the governor, lieutenant-governor, attorney general, treasurer, auditor, secretary of state, board of taxation, board of civil service, board of investment, department of public domain, department of public welfare, department of education, department of labor and commerce and department of agriculture. This includes every part of the civil administration.

2. General Financial Officers and Boards

The general and financial officers and boards besides the constitutional officers include: (1) public examiner, now an independent officer who is placed under the authority of the auditor; (2) board of civil service to consist of three members, not more than two of whom shall be of the same political party; (3) commissioner of civil service under the board of civil service; (4) board of investment which is required by the constitution to consist of the governor, auditor and treasurer; (5) a board of taxation to consist of five members. The big board of investment is abolished.

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3. Department of Public Domain

The department of public domain consists of a director and under him the following boards, each under a commissioner: (1) lands and mines, now under the auditor; (2) forestry, which displaces the forestry board, forester, auditor and timber board; (3) game and fish, which displaces the game and fish commission and its executive secretary; (4) highways, which displaces the highway commission and state engineer; (5) drainage and water, which displaces the drainage commission and chief engineer; (6) buildings and purchases, buildings now under board of control and printing now under state printing commission. There is associated with the department a board of public domain, to consist of five members.

4. Department of Public Welfare

The department of public welfare consists of a director and two assistants to take the place of the chairman and the other two members of the present board of control. Under the director are the following institutions, each with a chief executive officer with such title as may be prescribed by law or by the director: (1) bureau of health; now an independent board; (2) state prison; (3) reformatory; (4) training school for boys; (5) home school for girls; (6) hospitals and asylums for the insane; (7) school for feeble minded and colony for epileptics; (8) hospital for indigent, crippled and deformed children; (9) hospital farm for inebriates; (10) sanatorium for consumptives; (11) state public school.

There is associated with the department of public welfare a board of nine members, three of whom are to be designated by the governor as a committee on public health. This general board takes the place of the board of health, the board of visitors and two other minor boards. There is a board of sanatoriums with its own inspector; also a board of parole, consisting of the chief officer of the state prison, the chief officer of the reformatory, one of the assistant directors of the depart-

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ment of public welfare and another citizen. There is a soldiers' home under a board of seven members associated with the department for budget purposes only.

5. Department of Education

The department of education is placed under a different form from those branches conducting general business or exercising police powers. There are two boards: (1) a board of education consisting of nine members, which displaces the department of public instruction, the normal school board, the high school board and the library commission. Under the board of education is a superintendent of education as its executive officer. The educational system of the state other than the state university is placed under the charge of the board of education, each institution having a chief executive officer with a title prescribed by law or by the board of education. These institutions are: (1) the state normal schools; (2) the school for the deaf; (3) the school for the blind. (2) The other board in the department of education is the board of regents of the university, to consist of 9 members, reduced from 12 by dropping the three *ex-officio* members, namely, the governor, the superintendent of education and the president of the university. Under the board of regents are a president and a comptroller.

The board of education and the board of regents, acting jointly, constitute an educational council which is to act in a coördinating capacity, especially on budgetary matters connected with education. Affiliated with the department of education for budgetary purposes are the state historical society and the state art society.

6. Department of Labor and Commerce

The department of labor and commerce is under a director. Under the director are the following bureaus, each under a commissioner: (1) labor; (2) banks; (3) insurance; under the commissioner is a fire marshal, now independent; (4) standards, whose powers are at present exercised (in part), by the food and

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dairy commissioner, commissioner of weights and measures, surveyors general and chief oil inspector; (5) grain inspection, under a chief grain inspector and not a commissioner.

Associated with the department of labor and commerce is a board of railroads and warehouses, consisting of three members, which is constituted *ex-officio* the board of commerce. Under the board of railroads and warehouses are two boards of grain appeals, one for Minneapolis and the other for Duluth, each consisting of three members, who are now appointed by the governor. Associated with the bureau of labor is a board of labor consisting of five members which displaces the arbitration and minimum wage boards.

7. *Department of Agriculture*

The department of agriculture is placed under a director and under him are the following bureaus, each under a commissioner: (1) dairies which displaces the dairy and food commissioner; (2) animal industry, which displaces live stock sanitary board and its chief veterinarian, and stallion registry board; (3) exhibits, which with respect to the state fair displaces the state agricultural society and its secretary; (4) immigration, which displaces the board of immigration and its commissioner; (5) division of plant industry under a chief inspector of plants and not a commissioner, which displaces the state entomologist and state apiarist.

Associated with the department of agriculture is a board of agriculture consisting of six members.

The principles underlying the commission's plan of organization are successfully operating in the administration of the central government of the United States, in many cities and in most great business corporations. At the center of the administration stands the governor. The directors of the different departments constitute a kind of governor's cabinet, being directly responsible to him and indirectly, through him, to the people. This makes for unity in the administration. The directors of the departments introduce the lay element. They

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are expected to enjoy the confidence of the governor and they may be transitory, changing every two years. They with the aid of the unpaid boards are policy makers and may be experts but are not required to be such. The commissioners or bureau chiefs, on the other hand, are the permanent element and must be trained experts.

The existing bureaus or divisions in the state administration with their present incumbents so far as needed, are merged into the appropriate departments and will be headed by single individuals and not by executive boards. However, the board principle is retained for certain purposes. The department of education is placed under two executive boards. Each of the four great departments with a director has a board for advisory, sub-legislative and quasi-judicial functions. The directors may call on these boards for advice but the boards have access to all the offices in their respective departments and if they investigate and discover abuses, they recommend methods which tend to keep the work out of ruts and to promote business methods in close touch with the interests of the people. These boards introduce another popular element whose object is to secure coöperation; but they cannot interfere with executive action except as already noted.

II. SELECTION OF OFFICERS AND EMPLOYEES

The following officers in the civil administration will be elected by the voters: governor, lieutenant governor secretary of state, attorney general, auditor, treasurer and members of the board of railroads and warehouses. Each officer serves two years except the auditor, who serves four years and the members of the board of railroads and warehouses, who serve six years, one member being elected biennially. This follows existing constitutional and statutory law.

The following officers will be appointed by the governor with the consent of the senate: the respective directors of the departments of public domain, public welfare, labor and commerce, and agriculture; the respective members of the boards

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of civil service, taxation, public domain, public welfare, sanatoriums, soldiers' home, education, regents of the university, labor, agriculture and one member of the board of parole.

The term of each officer except members of boards is two years. Members of boards serve six years, one-third being appointed biennially after first appointment when the governor divides each board into three classes. The governor may remove directors of departments at his discretion but he can remove members of boards only for misconduct or neglect of duty, first giving the member notice of the charges against him and allowing ten days to elapse before making a final decision and giving him an opportunity to be heard. When the removal is made the governor must furnish the member a statement of the reasons therefor and file a copy with the secretary of state.

The other officers and employees come under the merit system. The appointing officers are, in addition to the governor, the four directors of departments, the elected officers, and the two governing boards in the department of education. The other boards have the appointing power over their immediate staff only, such as the board of taxation, civil service and railroads and warehouses. The appointing power must in each case choose from candidates certified to him by the board of civil service and can make changes only on the recommendation of the chief officers under him. This secures unity and prevents appointing officers from overriding a bureau commissioner directly in charge of the work. The term of appointment is indefinite. The qualifications for teachers and research men are determined by the board of regents of the university or the board of education.

Emphasis is placed on the practical character of the examinations. There are three kinds of examinations: (1) open competitive examinations for all routine positions; (2) limited competitive examinations open only to persons, not less than three, to be designated as candidates by the appointing officer; (3) non-competitive examinations, open only to one person designated by the appointing officer. The civil service board may adopt reasonable rules but shall not entertain an application from a person who is not a citizen of the state, unless, (1) it is

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reasonably certain that no candidate possessing the required qualifications can be found otherwise, or (2) unless the position requires expert knowledge or high technical qualifications. The board may if it deems it necessary, permit temporary appointments not to exceed four months without examination, but all such appointments and the reasons therefor must be reported to the legislature. Promotions, transfers, removals, reinstatements and demotions are marked out in broad outline with considerable discretion left to the appointing officer and those immediately in charge of the work. But everything must be done publicly and a statement of reasons filed with the civil service board. Even the rules of the civil service board must be reported to the legislature for its approval.

The plan includes the usual provisions relating to penalties for interference with the operation of the merit system.

Under the present law, the governor appoints 207 officers and members of boards besides a multitude of persons such as boiler and oil inspectors and assistants in various departments. Twenty-one of these appointees are heads of departments with salaries, but instead of naming 186 members of unpaid boards as at present, the governor under the new plan will name only 59 members of boards.

The abuses that might result from the great centralization of power in the hands of the governor and his four political directors of departments are prevented by the merit system in the civil service. The examination for the somewhat permanent expert subordinates does not emphasize mere academic qualifications of the candidates but stresses personality, practicality and adaptability which will make for efficiency and economy with a minimum of politics and a maximum of service.

III. THE BUDGET SYSTEM

The budget system, so universally neglected in our States, receives careful attention at the hands of the commission. It calls our present practice nothing but madness and recommends a new law which will do for the finances of the state what the merit system will do for the civil service.

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The commission recommends that state expenditures with few exceptions should be made by biennial appropriations of the legislature; continuing appropriations in general are condemned. Perhaps the only exceptions which should be made to the rule of biennial appropriations are: (1) the revenue of the various state land funds assigned for educational purposes; (2) the revenue of trust funds and federal grants; (3) proceeds of "mill taxes;" and (4) the prison revolving fund. The practice of using fees or other revenues connected with the public service to cover expenditure of such service is utterly abolished. All fees must be covered into the treasury and salaries paid from moneys duly appropriated by law.

The commission carefully defines "estimate" and "budget" and prescribes the various stages in the preparation of the budget as follows: (1) each bureau, institution or branch of the service at an early date will submit to the director of the department a detailed estimate of the necessary expenditures for the ensuing biennium, together with information and explanation for each item; (2) the directors or other executive heads of departments make a careful study and revision of estimates; (3) the governor in conference with the chief executive heads makes a final study and revision of the estimates, together with a full statement of all sources of revenue and has the budget printed and laid before the legislature on the first day of its session.

The estimates should contain several parallel columns with the following information: (1) name of item, citation of statutes authorizing the service or fixing particular items such as salaries, etc., appropriations for each year of the current biennium, actual expenditures during the preceding fiscal year, that is, the current year of the biennium, estimates for each year of the coming biennium, explanations of increases, estimated revenue to be obtained in connection with the service; (2) the following expenditures should be carefully distinguished: salaries, permanent improvements and all other expenses.

The commission suggests a reorganization of the legislative committees to conform to the new budget legislation and deli-

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cately suggests that the business of the legislature is to limit and not to increase expenditures asked for by the executive and says: "The budget system proposed by the commission thus provides for a thorough study of the needs of the state as a whole and of each branch of the state service by the executive and by the legislature through committees organized systematically for that purpose. It provides the fullest possible information for the legislature as the basis for appropriations. It gives to the legislature absolute control over the broad purposes of expenditure; and while it leaves reasonable flexibility in the details, it makes the executive responsible to the legislature for the proper exercise of discretion with respect to these details. It makes the state's business a single unit."

The commission states:

"These three features are all bound to one another. The full advantage can be gained only from all three together. The reorganization of the executive service will bring about a much better budget system, and will enforce economy on the reorganized administration. The merit system will prevent any possible abuse of centralized power."

IV. EDUCATION COMMISSION

Legislative provision for an educational commission to investigate education in Minnesota has already been mentioned. The law creating the commission recites as its object a study of economy and efficiency with respect to the several branches of public education in the state.

A commission of seven was appointed. It consisted of business men and educators. A professor in the college of education of the state university devoted all his time for a year conducting investigations under the direction of the commission.

1. Organization and Administration of the State School System

A member of the educational commission was also a member of the efficiency and economy commission. The two commissions unite in recommending a form of state administration

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which has already been sketched as follows: A department of education with two executive boards, (1) a board of education with a superintendent of education as its executive officer and (2) a board of regents for the state university with a president as its executive officer.

For local school administration the commission recommends: (1) that there be special school districts under their present charters in the large cities, namely, Minneapolis, St. Paul and Duluth; (2) that the territory of each of the smaller cities and villages be organized as independent districts with their own boards which are to be elected by the people and which in turn elect city superintendents; (3) that all the territory in each county outside independent districts be organized as one district under a board of education to consist of three persons elected by the voters of such rural districts. This board is to have full power to conduct the schools and elect a superintendent of education for each county The commission argues that the plan will put all school districts on an equal basis. The independent districts will elect boards for territory where the population is concentrated, while the common school districts will elect boards in territory where the population is more scattered. The benefits will be more equally shared by all because it would bring the graded and high schools to the rural districts. Under this plan more than 7000 ineffective rural school district boards will be abolished and the rural school problems be handled by county boards in the 85 counties of the state.

2. State Aid to Schools

The income that results from trust funds must by the constitution be apportioned on a *per capita* basis according to number of pupils. The legislature has heretofore limited the appropriation to as many pupils as have attended school at least 40 days in schools that have been maintained for five months during the year. The commission recommends that the minimum should be raised to 100 days in a school kept open seven months in the year.

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The school funds derived from taxation are at the disposal of the legislature. The commission recommends that these funds be distributed in such manner to the local schools as will stimulate better support of the schools as shown by local taxation, better maintenance of these schools as shown by teachers' salaries, and better work in these schools as shown by average attendance. This is worked out in a comprehensive and statesmanlike manner for rural schools, graded schools, high schools, industrial and commercial subjects, teachers' training and consolidated schools, especially for transportation of pupils to the latter.

The reports of these two commissions, one on general economy and efficiency in the state and the other on economy and efficiency in education mark an epoch in the administration of Minnesota government. The investigations have been carefully made. Reasons for each proposed step have been set forth in the reports[3] at considerable length and proposed legislation is submitted for the consideration of the next legislature.

[3] The report of the education commission may be secured by addressing Hon. C. G. Schulz, state superintendent of education, State Capitol, St. Paul, Minn.

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REORGANIZATION OF STATE GOVERNMENT IN OREGON[1]

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The establishment of the system of *direct* government in Oregon—the initiative and referendum, the direct primary, and the recall of officers—has been followed by several important movements for the reorganization of *representative* government in all three departments.

The centralization of the state administration is involved in one of the earliest, as it is in the latest, of these movements. In 1909 and 1911 W. S. U'Ren and others of the People's Power League published a proposal for the "concentration of responsibility and power for the enforcement of the laws as nearly as practicable in one public servant," as it was expressed, by reducing the number of elective officers to two—the governor and the auditor (besides the three proposed "people's inspectors"), and making most of the other state officers as well as the sheriffs and district attorneys both the appointees and the actual subordinates of the governor. The plan was advocated as the means of securing responsibility for the enforcement of the law, economy in administration, and relief from the burden of the ballot. But the proposal was generally condemned by the press as creating "a monster political machine," a "monarchical" form of government. In view of this opposition and of the fact that the League was at the same time urging radical changes in the legislative department of the state government, the proposal was not submitted to the people.

A feeling, long prevalent, that the governor should have more substantial control over the local peace officers, increased by the

[1] A paper read at the eleventh annual meeting of the American Political Science Association.

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governor's enforcement of the ordinary criminal laws of the state in several recent instances by the militia, resulted in an act of 1913 which gives the governor some control over the offices of sheriff, district attorney, and justice of the peace. Moreover, the agitation for "commission government" or "business-manager government" for cities in many parts of the state, and the adoption of "short-ballot" charters by three of the cities, including Portland, have doubtless much to do with the growth of public sentiment in favor of a centralized state administration. At the last session of the legislature a single small board was substituted for the many authorities formerly controlling the state charitable and penal institutions, and the air is now full of demands for the consolidation or elimination of state boards and commissions. The way has been thus paved for a favorable attitude toward a thorough reorganization of the state administration upon the principle of centralization.

To what degree the recent movements for centralized administration in other states are due to the influence of the Oregon proposals of 1909 and 1911, very widely known, is not apparent, but it is certain that these movements in other states are to a considerable extent the occasion of the new movement for centralization now in progress in Oregon. The movements in New York and Minnesota have received favorable consideration from the leading newspapers of the state.

Proposals submitted this month to a state conference at the University of Oregon, influenced especially by the recommendations of the Minnesota Efficiency and Economy Commission, included the reduction of the number of elective state offices to the three made elective by the constitution—governor, secretary of state, and state treasurer—the subordination of the whole administration, except the latter two constitutional offices, to the control of the governor, the reorganization of the various offices, boards, and commissions into departments and bureaus, the substitution of single commissioners, or single commissioners with advisory boards, very largely for administrative boards, and the application of the principle of centralized responsibility throughout the administration.

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Although this movement is strictly in line with the "economy" which was practically the only issue of the last election campaign, it is impossible to make any predictions as to the action of the legislature in the matter at the next session in January.

A plan for a closer connection between the executive and legislative departments of the state government, suggested in 1909 and later modified, was submitted to the voters in 1912 as one provision in a constitutional amendment initiated by the People's Power League. This provided that the governor should be *ex-officio* a member of the legislature, with the rights of members generally and with the exclusive right to introduce appropriation measures (subject to no increase without the governor's consent) except such measures referred by the legislature to the people; that the governor's veto power should be abolished; and that the governor should be subjected to question by the members of the legislature on matters of administration.

The most of the opposition to this provision was based upon the sanctity of the doctrine of the separation of powers, and particularly it was objected that by such control over the budget the governor would "supersede" the legislature in the matter of appropriations. The measure contained so many other provisions that it is impossible to say how far this provision contributed to its defeat. There is no active movement in this direction at present, and apparently any further development of the governor's responsibility for legislation is to come, for some time at least, through the operation of convention rather than from enactment of law.

Radical reorganization of the legislature has several times been attempted, but all such attempts have failed.

As early as 1908 a constitutional amendment made it possible to provide for "proportional" representation by statute, and the presidential primary law of 1910 provided for minority representation through the "single untransferable vote." But constitutional amendments, containing, with many other provisions, provision for the election of the members of the legislature by the "single untransferable vote," submitted by the People's Power League in 1910 and 1912 respectively, and an

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amendment submitted by the League and several other organizations in 1914, containing such a provision alone for the election of the house of representatives (it was doubtless expected that the senate would be abolished by the adoption of another amendment) were all defeated, the last by a vote of 39,740 to 137,116.

All three proposals for minority representation leave the district system (single or multiple) of nomination of candidates for the legislature undisturbed, but provide for their election in the state at large. The proposal of 1910 requires the apportionment of offices among the parties and candidates after the manner prevailing in Switzerland. By the proposal of 1912 candidates receiving the plurality vote in each district are elected, but each member is made the "proxy" of all the electors voting for him, and each defeated candidate for governor, sitting as an *ex-officio* member of the legislature, is made the "proxy" of all electors voting for the unsuccessful candidate of his party for representative. The proposal of 1914 simply provides that the sixty (the number of members) candidates for representative receiving the highest number of votes throughout the state shall be elected.

The usual arguments for and against the principle of proportional representation were urged in the several campaigns. Its advocates summed up its merits in the promise that it would "make the legislature as progressive as the people of the state, and . . . greatly reduce the necessity for constant use of the initiative and referendum." The objections most urged against it were the abolition of the district system, the "destruction of majority rule," and the "disfranchisement" of the voters through the single vote.

The abolition of the state senate has been attempted twice. In 1912 the proposal was submitted by the People's Power League to the people as a part of a constitutional amendment containing many other provisions; and hence the defeat of the measure was no index to the public opinion on the subject of minority representation. But the proposition was submitted alone in 1914 by the League and other organizations, and was defeated by a vote of 62,376 to 123,429.

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The general prevalence of the bicameral system is regarded by its opponents in Oregon as due to no inherent excellence of the system, but rather to slavish imitation of the British Parliament; and they point out that Parliament has practically lost its bicameral character since the House of Lords has been shorn of all substantial power. The satisfactory operation of the legislatures of the Swiss cantons and the Canadian provinces is cited in justification of the unicameral system against the evidence of its unsatisfactory operation elsewhere under ancient and extraordinary conditions. The constitutional restrictions imposed upon state legislation, the governor's veto, and the referendum seem sufficient check against abuses of power without the obstruction which results from the division of the legislature into two branches. The division further results, it is maintained, not in securing due deliberation of legislation, but in "log-rolling" between the two houses, and in the shifting of responsibility from one house to the other. The expense of a second chamber is another reason urged for its abolition.

Although the smaller size of the senate and the longer terms and more extensive experience of its members make it a more efficient instrument of legislation than the house of representatives, a tendency to class an upper house with the aristocratic House of Lords and the heretofore indirectly elected United States Senate, and resentment against the action of the Oregon senate in defeating certain measures of proposed legislation have resulted in the selection of the senate rather than the house for elimination.

At the session of the legislature of 1913 the proposal of a constitutional amendment to establish "a state commission form of government" was made, but it received only three votes, and this plan has so far awakened no considerable interest in Oregon.

The proposed constitutional amendments of 1910 and 1912 providing for the increase of the executive power in legislation, for proportional representation, and the abolition of the senate, contained various other proposals for the reorganization of the legislative assembly, including annual sessions, extension of

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term, increase of compensation, safeguards against log-rolling, extension of the recall to the legislature as a body, and the requirement that the presiding officers be deprived of all but judicial functions, and be chosen outside the membership of the legislature. Other amendments for the extension of the term of the legislative session and the increase of the compensation of members were defeated by the voters in 1912 and 1914. In the legislature of 1913 there was serious consideration of a proposal, advocated for some years in Oregon, for a "divided session" of the legislature, similar to that now established in California.

Some of the radicals have developed such a regard for direct legislation and such an hostility to the legislature that they are more interested in the actual abolition of the legislature than in its reform, and serious proposals of abolition are occasionally made.

At the election of 1910 the voters entirely replaced the article of the state constitution pertaining to the judicial department of the government. The brief new article permits the organization and regulation of the department largely by statutory law. In the words of its authors, the People's Power League, the purpose of the amendment is "to remove restrictions on the power of the people to make a law for any kind of court they want; to allow the people and the legislature to transfer to the circuit court the law and probate business of the county judge in counties where that can be done to good advantage; to simplify procedure on appeals to the supreme court and remove the pretext for new trials in those cases in which substantial justice is done by the verdict and judgment, but in which the trial court may have made a technical mistake; or if the verdict is just and the judgment is not, to make it the duty of the supreme court to enter the proper judgment, if that can be done, instead of sending the case back for a new trial; to allow the supreme court to take original jurisdiction in important cases of habeas corpus, mandamus, and quo warranto; . . . . to prevent mistrials and hung juries, by allowing three-fourths of a jury to render a verdict in civil cases; . . . . [to remove] the con-

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stitutional restrictions on the power of the people and the legislature over the offices of county clerk, the sheriff, the county judge, and the district attorney."

An act of 1913 increases the number of justices of the supreme court to seven, and authorizes the court to sit in departments as well as in bank. A resolution proposing a constitutional amendment to allow the "recall of judicial decisions" was indefinitely postponed in the house of representatives in 1913. Since in Oregon constitutional amendments can be enacted by direct legislation as easily as statute law, nothing substantial would have been accomplished by such an amendment. For several years there has been a strong movement in favor of a "non-partisan" judiciary, but a bill with this purpose in view was defeated last month at the general election.

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THE REORGANIZATION OF STATE GOVERNMENT[1]

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The oft quoted remark of James Bryce concerning the government of American cities was certainly justified insofar as it condemned our American city government. To the extent, however, that it seemed to imply a recognition of the successful operation of our state governments it would appear to be in need of considerable limitation. Indeed there is evidence to show that the defects of our state organization made themselves pretty generally felt even before the evils of our city administration were recognized, and constitutional changes looking toward remedying those defects were undertaken before any serious attention was given to the consideration of municipal problems.

On the other hand, it is true that once the evils in our American municipal system were recognized a more comprehensive, wide-spread, and successful campaign has been waged against them than has even been inaugurated against the manifest defects in our state governments. It is no exaggeration to say that today there are immeasurably more persons seriously and actively engaged in the cause of good city government than there are persons interested in the same effective way in improving our state governmental machinery. There are, of course, several good reasons why one would expect this to be the case, but our prime interest is sufficiently served by pointing out the fact without going into an examination of the explanation.

Now in undertaking a suggestion for the reorganization of state governments in this country, the simplest and most satisfactory way would seem to be to take the main features of those

[1] A paper read at the eleventh annual meeting of the American Political Science Association.

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governments and examine into their nature and operation and see if that does not lead to a promising solution of the difficulties presented.

Right here in deciding on the method of approaching this problem, I believe, we can learn a helpful lesson from the progress of municipal reform to which I alluded above. During the latter part of the last century, after the cause of municipal reform began to make some headway, it was characteristic of the *modus operandi* of the reformers to seek a solution by the tacking on to what they considered the fundamental hypothesis of American government all sorts of devices for remedying the evil conditions noted in our American cities. This supposedly fundamental hypothesis was namely the separation of legislative and executive powers, and all municipal reform programs until the beginning of the present century took that as a starting point, and made, it must be admitted, but very slow progress. Now I believe that that working hypothesis, so long accepted as axiomatic, was fundamentally wrong, certainly as applied to city government, and that rapid progress in municipal reform could not be expected until in some manner the child-like belief in the sacredness of the doctrine of the separation of governmental powers was shaken. Be that belief right or wrong, it is a fact, acknowledged I believe by all students of American city government, that with the advent of commission government which struck at the very foundation of this deep-rooted conviction there dawned an era of municipal awakening and improvement throughout this country which far outdistanced any equal era in our history, and indeed, in my opinion, the whole of our prior American municipal development.

Let us, therefore, in approaching this important problem of reorganizing our state governments not be afraid to cast aside any outworn garments no matter how much we may hate to part with them for sentimental reasons. It may be that the defects of our state governments may be found to be attributable in part at least to the acceptance of unworkable working hypotheses in the very foundation of our state system.

In the first place then we see as virtually universal features

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of our state governments, a bicameral legislature elected for a definite term of a few years, by practically universal manhood or adult male suffrage, an independently elected executive with a suspensive veto and certain other legislative powers, but little real executive and administrative power, a number of independent elective administrative authorities, and a system of courts appointed or elected for relatively short terms and with the political power of declaring legislative acts invalid on the ground of conflict with the state constitutions. These seem to me to be the characteristic essential features of our system of state government, and therefore those that should be subjected to a critical scrutiny. It is true, of course, that most of these features are dear to the hearts of the American people and that proposals to tamper with them, or at least with some of them would be regarded by many people as revolutionary to say the least, certainly as undemocratic, and probably as treasonable. But I take it we need not be concerned here with unthinking criticisms such as these, bearing in mind of course that even a theoretically perfect scheme would to be practicable have to exclude features which would certainly never even in the process of education prove acceptable to a majority of the electors. To illustrate, it might or might not be considered advisable to restrict the suffrage in certain ways, but as a practical proposition the suffrage once extended to a certain class can virtually never thereafter again be withdrawn. Both history and reason point to the general soundness of that proposition. I should, therefore, not want to spend time discussing the merits of suffrage restrictions based on property or social or economic statutes. But a minimum requirement of a literacy test for voting would seem with the spread of popular education to be both a desirable and an attainable goal.

Let us examine now with a critical eye our legislatures and see what is wrong with them. The commonest criticisms directed at them and at their members are that they are ignorant, unresponsive to public opinion, and in many cases corrupt, in other words, individually and collectively incompetent. It may be helpful to range alongside these popular epithets the gov-

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ernmental facts that they are untrained, ill paid, individually and collectively comparatively powerless, and under the domination of the political machine that is responsible for their election. If the latter facts can fairly be considered as causes of the former characteristics we may have made some progress in the matter of diagnosis, which of course is the first and absolutely essential step in the treatment of an ill, in matters governmental as well as physical.

Now if legislators are untrained it is because our educational system is at fault. There are not I venture to say, enough men in the whole of the United States really trained in public affairs to fill the legislative halls of our several States. That is a condition which it will take years to remedy and the only immediate steps to be recommended are the lengthening of the legislative term of service to enable men of ability to get their training in the legislature and to remain there long enough to use it, and on the other hand to provide proper agencies for giving our law-makers at the capitol the information without which they cannot even consider the intricate questions that come up. I am speaking here of the valuable statistical and comparative information that professional, non-political, and permanent department under-secretaries could furnish, and which at the present time some of our legislative reference bureaus are attempting to supply.

The matter of underpayment is of course theoretically simple to remedy, though the experience of Texas at the last election where a proposition to pay legislators a salary instead of an inadequate per diem was decisively defeated may be cited to show that there are practical difficulties in the way. As the explanation given for the defeat of that constitutional amendment seems to have been, however, a general feeling that the legislature was not even now "delivering the goods" and therefore deserved no more than it was getting, perhaps we may hope that if we can in other ways provide a legislature that will deliver the goods the matter of adequate remuneration will not be difficult of adjustment.

The most serious impediment to a right kind of legislature

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and a proper kind of legislators seems to me to lie in the fact that they are individually and collectively powerless. It is, I believe, now generally admitted that the attempt to cure the evils found in our state legislatures by depriving them of powers and by limiting their term and remuneration are doomed to failure. Indeed it is the very impotence of our legislatures which militates against improvement. The individual impotence of legislators is due to the size of the legislature, to its bicameral nature, and to the control by the political machine, of which I shall speak in a moment. The collective impotence of the legislature, and this increases also of course the individual impotence of its members, is due on the one hand to the legislative power of the governor, including his power to recommend legislation, to call extra sessions, his veto power, and last but not least in his tacit power to refuse to enforce the measures of the legislature even when passed over his veto, and on the other hand to the power of the courts to declare laws invalid as contrary to the state constitution. Of this matter more will be said a little farther on.

The reduction in size of the legislature presents no very serious problem. The guiding principle in determining the size of a legislative body should be to make it large enough to be fairly representative, and yet small enough to be really a deliberative body. The exact limits need not concern us here though I feel safe in saying that almost without exception our state legislatures are by far too large to fulfill the latter requirement. The desirability of abandoning the bicameral principle seems to me to be as self evident as the need of a reduction in the total membership, but I realize that not only is the bicameral principle firmly intrenched in the minds of the American public, but even a very respectable array of publicists in this country and abroad are committed to the same. Nevertheless, my own opinion, based both on abstract reasoning and on observation of our state legislatures at work leads me to believe that there is bound to be much more lost through inevitable delay, friction, working at cross purposes and shifting of responsibility, than can be gained by a check on hasty legislation. In other

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words in the state as in the city, the bicameral system has actually worked out to prevent the passage of desired and worthy legislation rather than to hold up improper laws. Practically all students of municipal government unite in condemning the bicameral system for cities, no matter how large, and I am unable to discover any reason why it should be considered any better in our state government, in view of the way in which it has actually worked out.

The domination of the political machine is undoubtedly one of the chief reasons for the ineffectiveness of the average legislator even when he does not owe his election to the support of the machine. It is also perhaps the one most difficult of elimination. Most important measures that arise in our legislatures, and many unimportant ones, are made party issues whether or not there has been any expression of opinion by the voters of that party on those points either through the platform or otherwise. Even the independently elected member therefore must secure the support of the majority leaders for any measure he desires to enact, as the individual legislators are governed by the orders of such leaders. It seems clear to me that the chief evil in this party domination arises from the fact that the control is exercised by an organization that is concerned principally with other issues than real state issues, namely, national politics. As long as voters continue to be as they still are for the most part now adherents of the same political party in state politics as they are in national politics, so long also will the subordination of state interests to the seeming demands of national party expediency continue. The only hope in this matter would seem to lie in the adoption of the principle of proportional representation for our states, which would enable a voter to cast an effective vote with a minority party and so permit him to vote against one of the existing national parties without voting for the other, or one of the others as the case may be. The introduction of the principle of proportional representation would have another very important result in making the members of the legislature more responsive to popular opinion. If a plan of having a few large

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election districts with five or ten members returned from each by a system of proportional representation were adopted, it would relieve the pressure now brought to bear on representatives in this country, equally, in city, state and nation, to represent primarily their ward or district instead of the larger unit as a whole. The lines of cleavage would then be horizontal, cutting across district boundaries, rather than determined by those boundaries and the petty local interests of the geographical divisions would tend to be subordinated to the welfare of the party or group of voters throughout the state as a whole whose interests were in the hands of representatives from all the different districts. There is neither time nor occasion here to go into an exhaustive discussion of the merits and defects of the principle of proportional representation, but it would seem to have a direct bearing on the question of making the representative more independent and more conscious of his real responsibility.

When now we seek to increase the collective power and responsibility of the legislature, we strike immediately at what are considered the most fundamental characteristics of the American governmental system, namely, the separation of powers, and the power of the courts to declare legislative acts void. That the veto power given to the governor is both actually and potentially a very powerful political weapon of control over the legislative body is admitted, but it is difficult if not impossible to show that it has worked out for good or is likely to do so. If the executive and the legislature are politically in accord the veto is superfluous, if they are not in accord it is a certain means of producing deadlocks and of halting all progress. But the taking away of the constitutional veto is but half a measure if the executive is to cease to exercise control over the effectiveness of legislative action. His power to defeat the legislative wil by failing to execute that will is an equally important and much more dangerous factor. That power, however, can be taken from him only if he ceases to be independent of the legislature, and he will continue to be independent as long as he is elected by popular

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vote. We are brought to the conclusion therefore that the executive as an independent factor in our state governments should cease to exist, and that leads us to take up the question of the organization of the executive and administrative authorities in our reorganized state government.

If the executive is not to be independent of the legislature we are obliged to make his appointment and control rest in the hands of the legislature and so we are led to the adoption of the cabinet form of government for our states. The real executive then should be the chief minister, acting with a cabinet consisting of the political department heads. Whether he should be called governor and appear also as the titular head of the government, or whether there should be another person chosen to fulfil that function, as in France, seems to me a matter of secondary importance. The important thing is that ultimately all political power should rest in the hands of a truly representative legislative body. The organization of the administrative departments would then resolve itself into the securing of permanent, expert non-political secretaries, under the direction of the various ministers. It is understood of course that a satisfactory system of civil service merit rules would be a necessary part of this or any other plan of administration. A business manager's department to look after the physical property of the state would be a desirable feature, but this and other details of administrative organization cannot be gone into in a discussion of general principles such as this.

I stated earlier in my paper that the collective impotence of the legislature is due in part to the power of the courts to declare their acts invalid. As a consideration of the nature of this power will I believe lead us to advocate the termination of that power not only in order to favor the legislature's position but to improve the position of the courts themselves, it logically belongs here with the consideration of the way in which that branch of the government should be constituted.

It used to be a favorite question for debate in times past whether this power of the courts to invalidate legislative acts was in violation of the doctrine of the separation of powers

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and destructive of the independence of the legislature. With the first of these propositions I am not concerned as I am done with the separatist doctrine as a general working hypothesis. But that this power in the courts does affect the independence of the legislature to a considerable extent seems to me too clear for argument and that to take away this power from the courts and leave the final determination of constitutionality to the legislature itself would increase enormously the responsibility and power of the legislature is equally self-evident. If then we agreed that our legislatures are suffering from too limited powers the proposal to transfer the constitution interpreting power from the courts to the legislature would from that point of view be a wise move.

But even more important in my opinion than the effect on the legislature that would follow from such a reorganization would be the effect on the courts themselves. In spite of oft repeated assertions to the contrary, usually by members or defenders of our judiciary, the power to interpret the constitution and apply it to the nullification of laws is in its nature a political power, and has indeed in well-known instances been used even for partisan purposes. It is unquestionably legislation and inevitably leads to the balancing of the court's economic and sociological opinions over against those of the legislature. Now nothing can be clearer than that the electorate will not with its awakening interest continue to permit such considerable political power to be lodged in the hands of an organ not directly or indirectly under the control of the voters. They will insist therefore not only on electing the judges for relatively short terms, but also on exerting an influence on their decisions. The movement for the recall of judges and review of judicial decisions is the direct and logical consequence of the realization on the part of the electorate that the judges in possessing this power of legislative control are a part of the policy determining or political branch of the government. That a judiciary which is in politics is in a hopeless situation needs no proof, and instead of trying to control this political power by providing for recall and popular review, the power

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should be wholly taken away and so remove at once the judiciary from the arena of politics. Once the judiciary is shorn of this embarrassing prerogative it should not be difficult to provide that they be selected by the minister of justice to serve during good behavior at an adequate salary to attract the very best of the legal talent in the state.

Thus we are led from a simple contemplation of the weaknesses of our state legislatures to a thoroughgoing revision of the other two branches of the state government. These are the important matters to be taken under consideration for on the manner of their determination will depend the fundamental nature of the government to be provided for our states. There are many other matters which would need attention if an actual constitution were to be written, such as the relation of the state to its subdivisions which presents many disputed points, but those matters cannot be taken up here. There are also many proposals for reform which I should support that fall far short of the fundamental reorganization herein suggested such for instance as the reformation of the state administrative service. But if I am asked why I propose such far reaching alterations I would reply that such other measures though highly desirable would from a larger point of view be only more or less temporary makeshifts, and that sooner or later with the growing complexity of governmental problems and the growing demand for their intelligent and effective solution nothing short of fundamental recasting of our state political forms will accomplish the desired ends.

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THE EXECUTIVE COUNCIL, WITH SPECIAL REFERENCE TO MASSACHUSETTS[1]

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The Massachusetts constitution of 1780 provided that there should be a council "for advising the governor in the executive part of the government." The governor was authorized to convene the council at any time at his discretion "for the ordering and directing the affairs of the commonwealth." Without the advice and consent of the council, the governor was declared to be incapable of exercising any of his powers of convoking, adjourning, or proroguing the legislature, of making appointments to office, of pardoning criminals, or of authorizing by warrant the expenditure of public moneys. The governor was not made dependent upon the advice and consent of his council in exercise of his legislative powers. He might at discretion recommend measures to the legislature and veto legislative enactments, but no executive authority whatsoever was entrusted to him alone, to be exercised without his council's advice and consent, except the command of the armed forces of the commonwealth. In short, the governor, though declared to be the supreme executive magistrate of the commonwealth, without the consent of his council was impotent in the conduct of state administration.

In the beginning the Massachusetts council was chosen by the legislature, and constituted one of the chief agencies relied upon by the revolutionary "fathers" to protect the people against the menace of executive usurpation and tyranny. Similar bulwarks of liberty were established in most of the other states. In Pennsylvania, indeed, so jealous were the revolutionary

[1] A paper read at the eleventh annual meeting of the American Political Science Association.

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statesmen of executive power, that they created a council which was itself the chief executive of the state. There was no governor, and the president of the council had no more power than any of his associates. Eventually, however, most of the states which had originally established executive councils abolished them, transferring the power to "advise and consent" to executive appointments to the state senates, and leaving the governors to exercise their other executive powers unchecked by any other executive body. In only three states, Maine, New Hampshire and Massachusetts, has the original executive council survived.

In Massachusetts the position of the council was materially altered by a constitutional amendment adopted in 1855. Its members were made elective directly by the people, and thereby rendered independent of the legislature with respect to the exercise of their powers. Consequently in Massachusetts today the governor has a much stronger position for dealing with the legislature than in most states, where the senates can make their consent to appointments contingent upon executive subservience in legislative affairs. The Massachusetts chief executive, therefore, can be a more effective leader, both in his own party and in the conduct of affairs of state, than in the other states, other things being equal. Although the council is not able to exercise much influence upon the governor in his relations with the legislature, its executive authority is limited only by the limits of the authority of the governor. If the governor were in fact, as he is in name, the "chief executive magistrate of the commonwealth," the importance of the council would be very great.

It is interesting to consider what the authority of the governor and council would be, if the constitution were observed to the letter. The fundamental law prescribes that "all orders and directions" necessary and proper for the management of the affairs of the commonwealth shall be made and issued by the governor and council. This would seem to require that administrative rules and regulations of every kind, as well as special orders and directions not couched in the general form of a rule

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or regulation, should be issued by the governor and council. For example, when the legislature provides that only pure food and drugs shall be offered for sale in the commonwealth, it would seem to be the constitutional duty of the governor and council to establish standards of purity, and provide by executive order for their enforcement by the officers of the law. When the legislature provides that mill machinery shall be made reasonably safe, that adequate protection shall be provided against noxious fumes and dust, or that due care shall be taken by factory-owners of the lives and health of their employees, it would seem to be the constitutional duty of the governor and council to frame regulations to interpret and give practical effect to such general expressions as "reasonably safe," "adequate protection," and "due care." So in the matter of the regulation of public service corporations, the governor and council should be charged with the responsibility for the elaboration of the rules by which the reasonableness of rates or the adequacy of service may be determined. Had the Massachusetts constitution been literally obeyed, we might have developed a splendid *Conseil d'Etat*, composed of a few chief councillors elected by the people, and a larger number of appointed members, each chosen for exceptional proficiency in a special field of administration, and altogether forming such a body of experts as can be found today nowhere in this country in the service of a state government. Such an executive council would have been a priceless heritage.

It is possible to conceive a different development. Since the growth of party spirit and the development of powerful party organizations in the states, many of the original relationships among the organs of government have been profoundly altered. The chief executive magistrate in particular has become in the eyes of the people more and more the official spokesman for his party, and therefor the chief legislator of the state, so far as partisan legislation is concerned. The governor might conceivably have treated his councillors, or at least those of the same party faith, as the official council of his party, used them as his personal representatives before the legislature, and made of

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them the instruments of an effective executive leadership in legislative affairs. It may be conceded that the difficulties in the way of such a development would have been great, since the councillors are elected by districts and are responsible to no one but the people of their respective districts. Yet the attempt might conceivably have been made.

In fact neither of these developments has come to pass. The social and industrial legislation of the last half century has tended always to establish quasi-coördinate executive boards and commissions for the elaboration of administrative regulations of the kind the English would call statutory rules and orders. Or else it has filled the statute books themselves with the very administrative orders and directions for the purpose of advising and consenting to which the council was originally created. In either event the effect has been the same. The governor has been stripped of most of the powers necessary and proper for a chief executive magistrate, and has been reduced to the position of a sort of official public agitator, whose chief function is to bully the legislature into the enactment of the laws required to fulfill his campaign pledges.

The executive council has shared in the degradation of the governor. Occasionally, when the majority of the council are of the opposite party to the governor, it plays politics with his appointments. It makes a poor board of pardons, and the legislature has thought it wise to create a special board of pardon and parole, appointed by the governor. It makes a fair board for the auditing of the governor's contingent fund. Otherwise it cuts no important figure. The real executives of the state are the attorney-general, the dozens of administrative boards and commissions, and the courts.

The Massachusetts councillors are usually men of ability and character. The truth is, however, that they are attracted to the council less by the importance of their official work than by the dignity of their official idleness. They could be dispensed with at any time, and they would scarcely be missed. But the work that they might have done, or had a hand in doing, had the constitutional development of the state taken a differ-

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ent turn, has not yet been undertaken, or if undertaken, has not always fallen into the right hands. There is a genuine need for a real executive council, a council which shall help to centralize the responsibility for the conduct of state administration in the hands of a real chief executive magistrate, and which shall help to strengthen him in his relations with the legislature.

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LEGISLATIVE NOTES AND REVIEWS

JOHN A. LAPP

Director of the Bureau of Legislative Information of Indiana

Direct Primaries. At the beginning of the 1915 legislative sessions there were only ten States which did not have a direct primary, and of these States, three had partial systems and two nominated by direct vote under the rules of the dominant parties.

Three hundred and ninety-seven members of the present house of representatives out of four hundred and thirty-five were nominated by direct primaries; in thirty-seven States provisions had been made for the nomination of United States senators by direct vote; thirty-eight of forty-eight governors and other state officers in forty States were nominated by the people in direct primaries; and in forty States local officials were nominated in like manner.

Party organizations were formed in twenty-two States and presidential primaries either for the election of delegates or the expression of preference were provided for in more than twenty States.

At this writing, the States of Indiana, North Carolina, Vermont and West Virginia have enacted comprehensive measures thus leaving only six States without a direct primary law and of these, South Carolina and Tennessee have the direct primary under the rules of the dominant party. The former regulates primaries by law. Tennessee had a primary law but it was declared unconstitutional. The only States which do not have any form of direct primary under law or party rules are, Rhode Island, Connecticut, New Mexico and Utah. The two latter, however, have a primary in cities under commission government. Wisconsin seems likely to repeal the second choice provision.

The seeming political reaction of 1914 led many politicians to originate plans to restore the Convention or at least some of its elements. The friends of the direct primary, recognizing some of its defects, proposed changes to eliminate them. The result of the activity of these two elements was that new legislation was proposed in many States.

The governors' messages reflect the agitation but the recommendations of all of the governors are favorable. Not one suggests the

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impairment of the plan. Governor Hammond of Minnesota recommended the open primary because he recognized that the closed primary had not secured its object in his State; Governor Ferris of Michigan favored a preferential ballot with first and second choices; Governor Kendrick of Wyoming recommended a simpler method of getting names on the ballot; Governor Morehead of Nebraska favored a method of party committee designation of candidates similar to the Richards law in South Dakota; and Governor Capper of Kansas recommended a presidential preference primary and a fee system for getting on the ballot. Governors McDonald of New Mexico, Ralston of Indiana, Hooper of Tennessee, Craig of North Carolina, Hatfield of West Virginia, Fletcher of Vermont, all recommended the passage of a State wide law.

From the opponents of direct primaries in many States came proposals for some sort of pre-primary convention which would point out the way of wisdom for the party voters. The most active efforts in this direction were found in Michigan, New Hampshire, Kentucky, Washington, and New York, while the idea was advanced in several States, and was enacted into law in Washington.

The Michigan plan provides that State conventions of the different political parties shall be held for the purpose of placing in nomination, candidates for office; that such convention shall take only one ballot upon candidates for each office to be filled at the ensuing primary election and any candidate who receives 25 per cent of the votes of the duly accredited delegates to such convention for any office, shall be certified and have his name placed on the official ballot.

In New York, according to bills introduced in both the senate and house, designations will be made by party committees or by petition instead of by petition only, as in the present law, and such designations may be made upon the recommendation of a state convention in the case of state officers. The bills provide for the election of delegates by assembly districts, the number to be determined by party rules. Substantially the same proposal was made in other States.

The pre-primary convention was tried out somewhat, prior to the primaries in 1914. In Wisconsin a convention of the conservative Republicans endorsed E. L. Philipp for the nomination. In Oklahoma also, the Republicans held a pre-primary convention in 1914. This was a regular old-time convention held in conformity

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with a call issued by the State committee. In this case the ticket made by the convention was nominated without opposition by the Republican voters at the primary, but the Republican party is in the minority in Oklahoma and it is doubtful whether things would have run as smoothly had there been any considerable hope of electing the ticket. Unsuccessful attempts were made in South Dakota this year to repeal the Richards Primary Law which was initiated and adopted by the people in 1912. This act provides for two proposal committees—one a majority and the other a minority committee. The act thus presupposes the existence of factions within each party and each faction is supposed to elect a proposal committeeman in every county. For the proposal of candidates for state offices, both committees meet at the state capitol, adopt a platform, and propose candidates for different offices. The same thing is done in each county. The ballot has one column for candidates of the majority faction, one for candidates of the minority faction, and one for independent candidates.

The act is reported to be very unpopular because it invites factionalism and because of the advantage which it gives the majority designations. All but one of the candidates on the majority slate at the last primary were nominated, Senator Charles H. Burke, being the only exception.

The new acts passed present little that is new in primary legislation. The Indiana law provides for a second choice ballot according to the Wisconsin plan. It also provides for a preferential vote for president, vice-president, governor and United States senator, but it is stated that if any person receives a majority of the votes cast, the nomination shall be binding without convention action. Inasmuch as the second choice is provided, it is probable that a majority would be secured in most cases, hence the act is preferential in name only. The state convention is provided for the nomination of other state officers but the direct primary applies to all other elective officers. Party committees are chosen at the same primary by direct vote. A fee is charged for places on the ballot.

The only distinctly new proposal in the Vermont act is that the members of the state committee shall be chosen by the party nominees when they assemble for the purpose of making a state platform. The party nominees in each county nominate the candidates from their respective counties and the state convention elects. The Vermont act is subject to a referendum at the spring election in 1916 as to the time of taking effect.

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The North Carolina act applies to all elective officers. Registration is required for voting. This is not the case in Indiana but is provided for in Vermont and West Virginia. There is a preferential vote for president and vice-president; requirements for itemized expenses before and after election; and a fee system for getting names on the ballot. Certain counties are excepted, on county officers and representatives in congress, from the provisions of the act, but upon petition, the matter may be presented to the voters and if approved, nominations within the counties for county officers and representatives in congress are to be made according to the law.

In all cases, except in Vermont, the new laws provide for a closed primary. In Indiana the voter if challenged must swear that he voted for a majority of the party's ticket at the last election and also that he intends to support the ticket nominated at the primary. The West Virginia act goes further and requires every voter upon voting to swear that he is a member of the party.

In other respects, the primary election laws of the year follow the universal outlines found in the laws of the other States.

Lobbying—Registration. Numerous laws have been passed in the last ten years regulating the legislative lobby. Most of these acts have required registration either of the lobbyist or his employer, and have required a sworn itemized statement of moneys expended.

A similar act was passed in Indiana this year as a direct result of disclosures in a grand jury investigation of irregular legislative practices.

The law has been copied in a bill pending before the Illinois legislature.

The law contains one important new feature affecting unincorporated associations or combinations of two or more persons who promote or oppose legislation. The law requires employers of lobbyists to be registered and requires lobbyists to secure a certificate of identification. But it was recognized that some of the most pernicious lobbies were those representing individuals who chip into a pool to promote or oppose legislation. A new provision was added therefore, in the terms here quoted:

"Hereafter it shall be unlawful for any unincorporated association, or combination of two or more persons to collect, receive, keep or expend any money for the purpose of promoting or opposing legislation pending or proposed before the general assembly or either

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house or the committees thereof unless such association or persons first appoint a treasurer whose appointment shall be subscribed to in writing by at least two persons responsible for appointing such treasurer, which written appointment shall be filed in the secretary of state's office. No person shall be appointed or act as treasurer for any unincorporated association, or combination of two or more persons, who is not a citizen and resident of the State of Indiana. It shall be unlawful for any person to contribute to any fund of any unincorporated association, or combination of two or more persons until a treasurer has been appointed, as heretofore prescribed. No money shall be collected, received or expended by such unincorporated association, or combination of two or more persons except as it shall be paid over to and made to pass through the hands of the treasurer. The treasurer of such unincorporated association, or combination of two or more persons shall keep a faithful record of all money received, collected and disbursed for the purpose of aiding or promoting the success, amendment or defeat of any legislation in the general assembly or either house thereof, showing from whom received, the amount received in each case, to whom paid, for what the payments were made, and the amount in each case. The treasurer shall within thirty (30) days after the adjournment of the general assembly make a complete and detailed report to the secretary of state showing the itemized list of all money received, from whom received, all money disbursed, to whom paid and for what purpose. Such treasurer, upon a resolution of either house of the general assembly of this State, may be required to make such complete and detailed report to the secretary of state within such time as may be prescribed in such resolution therefor."

The law prohibits members of party committees and all public officials from receiving money for promoting or opposing legislation. It also prohibits employees of the legislature, newspapermen and others having the privilege of the floor of the house to act as paid lobbyists or to urge the passage or defeat of legislation in any way.

Non-Partisan Government. The movement for non-partisan government has been elevated into the realm of state affairs this year. The movement is widespread as applied to city offices and judicial positions and has been extended in some States to counties and in two States, Washington and Minnesota, to legislative officials.

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This year the extension of the plan to state affairs is strongly recommended by Governor Johnson of California backed by the party platform declarations of the leading parties of that State. The plan is, therefore, likely to be adopted.

Governor Johnson said to the legislature in advocacy of the proposal: "Most earnestly do I suggest to you that our state officials be elected without party designation of any sort. The advance to non-partisanship in our State will be neither an extended nor a difficult step. The political units that compose the State have all adopted non-partisanship in the selection of their officials. The desideratum of all government is efficiency—to obtain honest and able officials devoted exclusively to the government. To govern well is to govern for all, not for a part or a class. To act in official capacity should be to act solely for the benefit of the State, and that official acts best who forgets every other consideration, but the interest of the State. Long ago this lesson was learned by cities. In California, as in many States, all of our cities elect their officials without regard to party affiliations at all, and without party designation. Why? Because experience taught these cities that thus they obtained better officials and greater efficiency. It is within the memory of all of us that these cities formerly elected their officials—city clerks, and the like—because of their partisan affiliations. Progress in city government swept from existence this old system, that had obtained so long, and its destruction was necessary in order that the best government be obtained. Recently the counties of the State adopted the plan that has been in vogue in cities, and elected all of the county officials without party designation. Inquiry among the counties has demonstrated that this method has met with almost universal approval, and it is hoped that the counties, in service, will be benefited just as the cities, in service, have been benefited. We now suggest applying the principle to the State as well, so that candidates for state positions will come before the people upon what they themselves are, not upon what their ancestors were; that they will ask the suffrages of the electorate upon their record or lack of record; their merits or their demerits, rather than upon the blind partisanship of themselves or their forefathers. There is nothing thus presented to you that seeks to destroy or even to affect political parties nationally. The government of the State has become now a matter of efficient business management, and efficient business management

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may be best obtained without politics. The one argument most frequently heard against the course we suggest, is that parties stand for definite policies, and that they are necessary therefore, to preserve or to adopt some definite governmental tenets, and that for the adoption or failure to adopt these tenets, responsibility is fixed upon the *party* in power. The fallacy of this argument is found within the memories of all of us. In the state government today, none holds a particular party responsible for any specified act. All hold responsible the individual who is supposed to have caused the act. In the government of municipalities no party ever was held responsible for the acts of its agents who were officials, but the individuals were held responsible. In the government of the county today, for the specific act of an official, no party is held responsible, but the individual himself must answer to the people. Were the subject one of national import, which it is not, events of recent occurrence could readily be cited to show that the theory of party responsibility is now a mere political fiction. If a party be in charge of a corrupt boss or a number of corrupt bosses, to speak of party responsibility is absurd. If a party solemnly presents to the people a platform with well understood and thoroughly interpreted tenets, and the individual in power deliberately ignores the party's pledges, the responsibility rests with the individual. But in a political subdivision like the county, or the State, experience, the greatest teacher of all, has given us the absolute knowledge that there is, in reality, no party responsibility for the acts of individual officials. The people of the State of California at the recent election, themselves destroyed partisanship in California, and they said just as plainly as it was possible for them to say, that in the selection of their officials blind partisanship should play no part. If the voice of the people so recently heard shall carry with it the mandate of the people, non-partisanship in our state elections will be assured.

"While political economists may often speak of the necessity of parties, there is none but decries blind party worship. Blind partisanship is ever the refuge of the unworthy politically, and it is he who dares not to exploit himself or his record that insists upon ignorant, unyielding and unswerving party fealty. Of late years we have emerged from the darkness, and we have emancipated our cities and our counties. It is our fond hope that in this, as in other steps of progress, we may point the way for our sister States."

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Finance Board—Indianapolis. As a result of factional fights between the mayor of Indianapolis and the city council which resulted in occasional deadlocks over appropriations and temporary loans, there was presented to the legislature of Indiana by the mayor a most remarkable proposal for legislation which would take away all of the power of the city council over finances and vest it in a board of finance consisting of seven members, the mayor, city controller, and five members appointed by the mayor subject to the approval of the governor of the State and subject to removal by the mayor at will.

This finance board would have power to make all appropriations for the conduct of business, and to make temporary loans or issue bonds. They would have the power to levy the taxes and approve the budget submitted by the controller. They would further have the power to license all businesses subject to license and to fix the number and compensation of all employees not specifically fixed by statute.

This proposal placed practically all of the power of the city in the hands of the mayor subject to no restrictions. The bill became a democratic party measure and passed the senate but was defeated by a few democrats in the house who refused to be bound by a party caucus on the subject.

While the bill was pending, a joint committee of the Chamber of Commerce and the Board of Trade investigated the subject and reported in favor of more centralized government in the form of the commission-business manager system. They condemned the finance board bill because it gave unlimited power without a check. The committee submitted a draft of a bill to the legislature embodying advanced features of the commission-business manager form of government but the bill did not pass.

The facts in the case of the finance board bill are of unusual interest coming as they do from Indianapolis—the home of the federal system of city government. That the system does not work smoothly is now fully apparent and an active movement is under way looking toward the establishment of a new form of city government.

Legislatures—Unicameral. A one chambered legislature was a subject of discussion in at least four States during this legislative year. Oregon voted upon an initiative proposition at the last election to abolish the senate and thus make one chamber but the measure was defeated, along with the long list of measures presented, by a vote of 123,429 to 62,376.

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Governor Hunt of Arizona strongly recommended a one chamber legislature to consist of not less than seven nor more than fifteen members. Governor Lister of Washington also recommended a single chamber for the legislature of that State.

California is the fourth State to have such a measure under consideration. According to resolutions introduced into both houses for the amendment of the constitution, the legislative power would hereafter be vested in a legislative body of forty members elected by districts for a term of four years, one-half the membership expiring every two years. The legislature would meet every two years in January and remain in session for a full year. Special sessions may in the intervening year be called by the governor.

The legislative acts are subject to the referendum and the initiative is continued for the initiation and adoption of laws independently of the legislature.

Governors' Messages. A complete index and brief digest of the regular messages of the governors of all the States whose legislatures were in session this year has been published by the Public Affairs Information Service (H. W. Wilson Co., White Plains, New York). It is planned to supplement this with the important special messages and veto messages and issue the whole in a cumulated form at the close of the regular sessions.

Reorganization of state administration. The movement toward reorganization of state government proceeds from a widespread conviction that at present, organized state government is unscientific, uneconomical and inefficient. Long recognized by students of government, that fact has more recently been forced upon the attention of the general public by the rising tide of state expenditures.

The way to relief has been suggested by the popular movement for efficiency methods in business and by the widely accepted analogy between business and government, rather than by the acceptance of the canons of political science.

The first steps toward reorganization have been taken in fourteen States by the creation of commissions or committees on "efficiency and economy." These are sometimes permanent institutions like the Commissions on economy and efficiency in Massachusetts and New York, the board of public affairs in Wisconsin, and the budget commissioner in Ohio, but are more often, as in Connecticut, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Nebraska, New Jersey, Pennsylvania and

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South Dakota, temporary bodies. Some, like the committees created in Louisiana, Mississippi and South Dakota, are confined to auditing accounts and introducing accounting methods; others, as in Connecticut, Illinois, Minnesota, Iowa and Pennsylvania are chiefly concerned with reorganization, and secondarily, if at all, with functions; still others, as in Massachusetts, New Jersey, New York and Wisconsin, give at least equal prominence to functions.

The Ohio budget commissioner makes suggestions as to departmental organization and legislative procedure and the Nebraska committee, created primarily to study legislative procedure and the budget extends its investigation to matters of general reorganization. Iowa likewise offers some suggestions on legislative procedure.

The commissions in Massachusetts, New York, Ohio, Illinois, Minnesota and New Jersey have made a careful survey of the existing organization of the several administrative departments, in some cases accompanied by organization charts. Efficiency engineers or accountants were employed in at least Illinois, Iowa and New Jersey.

The Connecticut commission, while offering no general scheme, makes specific recommendations, notably for the consolidation of numerous authorities into a department of agriculture and a department of labor and industry and suggests further investigations looking to future consolidations.

The undesirable conditions disclosed by the several surveys, are summed up by the Illinois commission thus: Duplication of positions and salaries; work poorly done; high cost of service due to inefficient organization; loss from purchasing in small lots; lack of correlation and coöperation between offices; failure to get before the legislature, facts essential to appropriations and legislation; failure to fix responsibility.

The Iowa report says that "the worst faults in the present organization, are lack of unity and lack of responsibility. The government is incoherent. There are a multitude of disconnected, unaffiliated departments and bureaus over which neither the governor nor the legislature nor the people have effective control."

The commissions in Illinois and Minnesota present elaborate plans of reorganization, that in Minnesota being in the form of a legislative bill for a "Civil Administrative Code." New Jersey and Iowa present general but less detailed outlines. Nebraska sketches a possible future plan. The permanent commissions make no comprehensive proposals but confine themselves to specific changes of details which may fit into larger plans to be worked out.

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The plan proposed in Illinois confessedly following the analogy of the federal administration, so far as the state constitution will permit, groups the more than one hundred offices, boards and commissions into eleven administrative departments, viz.: state, law, finance, trade and commerce, labor and mining, health, military affairs, agriculture, public works, charities and corrections and education. At the head of each department is a central authority, either an individual or a board, who is, except in so far as constitutional officers are concerned, appointed by the governor and senate and responsible to the governor. Each of the present administrative services, except in case of consolidations proposed, is made a bureau in one of the departments.

The department of finance is to be administered by a board of finance composed of the comptroller, tax commissioner and revenue commissioner appointed by the governor and senate and the auditor of public accounts and state treasurer ex-officio. The budget is to be prepared by the comptroller.

This plan is not an ideal scheme, but a practical proposal which it is entirely possible to place in operation by statutory authority.

The proposed "administrative code" of Minnesota provides for a group of offices of "general administration and finance" including the constitutional offices of secretary of state, attorney-general, auditor, treasurer, tax commissioner and a civil service commission. Besides these are the five departments: public domain, public welfare, education, commerce, industry and labor and agriculture.

The department of public domain includes bureaus of land and mines, forests, game, drainage, highways and buildings. The department of public welfare, includes charities, corrections, health and pardons.

The department of commerce, industry and labor covers the activities of labor, banking, insurance, standards, railroads, and warehouses.

The code contains comprehensive provisions for a merit system for the clerical service and for the standardization of salaries.

The financial sections provide for a complete budget of estimates of revenues and proposed expenditures.

The plan proposed in Iowa is less detailed. It groups existing administrative departments into three great departments of social progress, of industries and of public safety.

The attorney-general and the railroad commissioner are to be brought into one of these departments but the other constitutional officers are to be retained for the present.

The tentative plan presented in New Jersey shows much less consoli-

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dation of activities. No less than twenty-two departments are included, all responsible to the governor except the treasury which is under legislative control.

A budget system of estimates is contemplated in the plans in Iowa, Minnesota, Nebraska and Illinois, to be prepared in the last State by the comptroller but in the others by the governor. A suggestion comes from the Pennsylvania commission that the governor be elected in the odd year so that he may have the advantage of a year in office before preparing a budget and recommending legislation. An alternative suggestion is that either the governor be inaugurated December 1, in order to give time to prepare estimates or that the budget be presented not earlier than February 1. The other proposals would place the preparation of the estimates in the hands of retiring officers or necessitate its hurried preparation by those new in office.

The Nebraska committee proposes immediate legislative reforms with respect to the printing of bills, journals and calendars, printing contracts, committees and employes. Reforms for future consideration include a unicameral legislature, a civil service law, a budget to include estimates of both revenues and expenditures, an efficiency survey of the State and the reorganization and consolidation of administrative offices. The Iowa legislative suggestions include reform of procedure, the committee system, and in the number of employes.

The results to be anticipated from a line of reorganization upon the main principles of which all the reports are agreed are summed up by the Illinois commission as: Harmony and coöperation of administrative action and between the administrative and legislative branches; a more definite system of supervision of offices; more adequate information for the use of the legislature; responsibility through the governor to public opinion; a controlling and fixing of responsibility for estimates and expenditures; and notable economy in the conduct of government.

It is of interest in considering the movement toward the reorganization of state government to note the healthy interest in, and sane opinions on this subject expressed by many governors is the messages of 1915. General administrative centralization is advocated in at least ten States: Colorado, Idaho, Kansas, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Tennessee, West Virginia and Wisconsin. The governor of Idaho says: "They (the people) desire from your hands and mine a complete reconstruction of the affairs of the state government upon lines of efficiency and economy and especially upon the question of taxation."

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The short ballot is endorsed in several States: Alabama, Colorado, Michigan, Nevada, New York, Oklahoma, Oregon, Washington, and West Virginia. As a complement to the short ballot, a governor's cabinet is proposed in Michigan and Nevada. In the latter State it is proposed to make it bi-partisan.

Reorganization of administrative departments by redistribution of functions, consolidations and abolitions are generally called for from Massachusetts, Connecticut, and New York in the East, to Washington, Oregon and Nevada in the West as well as in Alabama, Oklahoma, Kansas and Missouri. Power of removal of local officers is proposed in several States: Alabama, Michigan, New Hampshire, New Jersey, Oregon, Pennsylvania, Utah and Wyoming. A unified state policy is held desirable in Colorado but in Oregon the governor expressly disclaims any administrative program.

A centralized board for educational institutions and interests is proposed in three States: New Mexico, North Dakota, and Wisconsin, and a board of education in Alabama. A board of control for charitable and correctional institutions is favored in six States: Alabama, Massachusetts, Nevada, New Hampshire, New Mexico and Tennessee but opposed in Missouri. A central purchasing agency finds favor in Arizona, Missouri, Nevada and Ohio. An "economy and efficiency" survey is favored in California, Colorado, Connecticut and Kansas, and a constitutional convention in Alabama, Massachusetts, Tennessee and Washington.

Recommendations of reorganization or reform in the legislative branch include: fewer laws in several States; fewer sessions, North Dakota; more sessions, Alabama; a longer term, North Dakota; and longer sessions, Washington. A reduction in the size of the legislature is recommended—no less than five States. In Arizona it is a unicameral body of from five to fifteen, subject to recall; in North Dakota it is a reduction of from one-third to one-half the present number; in Oklahoma it is a senate of twenty-four and a house of seventy-five; in Washington it is a single house of twenty-five, five being chosen at large from each congressional district, while in Nevada no specific number is suggested. Reform of procedure is advocated in six States: Alabama, Connecticut, Michigan, North Dakota, New Jersey and Rhode Island. A reform in the number of pay of legislative employes is suggested in Delaware, Nebraska, Oregon and West Virginia.

Reorganization is usually in the messages associated with finance. The rising tide of expenditures and the need of economy are mentioned,

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sometimes rhetorically and sometimes supported by convincing figures. Fourteen messages urge the adoption of a "budget system" and minor financial reforms are urged in many cases.

Among the few jarring notes the most strident is that sounded by the incoming governor of Ohio, who sees in centralization of authority in the name of efficiency, a menace to free government. He says "Efficiency is important, self government is vital." "Freedom and the strength of civic character which come only from the exercise of self government are paramount to efficiency." "It is one of the evils of concentrated authority that the people come to look to the executive solely for needed changes in legislation, disregarding their own immediate constitutional representatives in the law-making bodies." "The people have looked with suspicion on all efforts to take power from them or their own representatives and vest it in some central authority with large powers of appointment." But, says he, "Fortunately for the people in our State not all the executive power is vested in the governor." The tenor of this message may, however, be accounted for in part in the light of recent vicissitudes of politics in that State.

FRANK G. BATES.

University of Indiana.

Home rule legislation during the years 1913–1914. The advance which home rule for cities has made since 1912, when four States (Arizona, Nebraska, Ohio, and Texas) took their stand on the side of local autonomy, has been slight in terms of States gained, yet two important state optional charter bills have been produced—one being now in operation. The New York bill (Ch. 444 of the Laws of that State) and The Report of the Joint Special Committee on City Charters in Massachusetts (Senate doc. no. 254. January, 1915), deserve detailed treatment both as regards their provisions and as representing action in two States in which the legislatures have been vigorous in their interference with local city affairs. First, however, should come a more general survey of what has been the progress of home rule during the years 1913–1914.

Maryland and Wisconsin. In addition to those twelve States which, up to 1913, have conferred upon some or all of their cities the power to draft or amend their own charter,[1] several others have taken steps in

[1] Missouri, 1875; California, 1879; Washington, 1889; Minnesota, 1896–98; Colorado, 1902; Oregon, 1906; Oklahoma and Michigan, 1908; Arizona, Nebraska, Ohio and Texas, 1912.

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that direction. The legislature of Maryland has passed a constitutional amendment giving to the city of Baltimore the right of home rule, and this will be voted upon by the people of the State at the general election to be held in November, 1915. A similar amendment, providing, however, for state-wide home rule was defeated in November, 1914, at a general election in Wisconsin; by over fifty thousand votes. The terms of the proposed amendment to the constitution were unusually broad: "That cities and villages have power and authority to amend their charters and to frame and adopt new charters, and to enact all laws and ordinances relating to their municipal affairs, subject to the constitution and the general laws of the State."

Illinois, Kansas, Minnesota and Iowa. In Illinois, Kansas, Minnesota and Iowa public sentiment is strongly in favor of home rule and its partisans are hopeful of accomplishing substantial results. The question in Illinois grew out of a discussion of the public utilities law of 1913 which, it is claimed, violates Chicago's right of home rule, and the referendum which was submitted to the voters with the practical effect of a straw ballot gave the advocates of home rule the slight majority of a little more than eight thousand votes. The leagues of state municipalities in Iowa, Minnesota and Kansas have declared for home rule, chiefly, here also, as a measure offsetting state control of public utilities.

Missouri, Michigan and Washington. A further grant of home rule to St. Louis was made by the legislature of 1913, which transferred the appointment of the excise and police boards in that city from the governor of the State to the mayor of the city. Power of removal, however, may be exercised by the governor, the mayor, or the city council; if all members should be removed by the governor, he may fill the vacancies. This provision, it is evident, allows home rule to the city but permits the State to interfere in case of a needed enforcement of its laws. The supreme court in the State of Washington has decided that a general law enacted by the legislature is superior to and supersedes all freeholder charter provisions inconsistent with it. The home rule law in Michigan was upheld by the circuit court of the State in 1913, at its first real test, when three injunctions were brought against it.

Ohio and Texas. During the two years' trial of home rule in Ohio twenty-five cities have had charter revisions under consideration. Of these cities the voters in eight have rejected proposals to elect commissions for the purpose of framing new drafts; in seven others such commissions have been elected but their proposals were not accepted. Nine

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cities (Ashtabula, Cleveland, Columbus, Dayton, Lakewood, Middleton, Springfield, Sandusky and Toledo) have adopted new charters. These charters have been of the modern variety—four providing for a city manager, two for commission government, and three drawn on the federal plan, with provision for non-partisan and short ballots, direct legislation, preferential voting, etc. Since the enabling act in 1913, seven cities in Texas have adopted new charters (Amarillo, Denton, McKinney, Sweetwater, Waco, Wichita Falls, and Taylor), and seven others have considerably amended their present forms of government. Other cities which have adopted home rule charters during 1913–1914 are St. Louis, St. Paul, Montrose (Colo.), Portland (Ore.), and Phoenix; such bills have been rejected in Seattle, Detroit and Minneapolis.

New York and Massachusetts. In New York State the Cullen-Levy bill, providing that every city in the State shall have the power to regulate, manage and control its property and local affairs and be granted all rights, privileges and jurisdiction necessary and proper for carrying such power into execution, was approved by the governor in April, 1913, and the municipal empowering act was upheld as constitutional by the state supreme court in September of the same year. Under these provisions the "Optional City Government Law" became effective on April 16, 1914, whereby authorization was given to "a city of the second or third class to adopt a simplified form of government." This act, which affords choice from among six forms of city government, finds a counterpart in the proposed solution of the home rule problem in Massachusetts. In that State a recess legislative committee as appointed in July, 1914, to "investigate the subject of charters and laws for governing cities, and providing a standard form of charter for the government of cities both by commission and otherwise, and any other matters which the committee may deem pertinent in regard to the subject of city laws and charters." Its report, issued in the following January, offers four types of government for adoption by any Massachusetts city, with the exception of Boston.

New York law. The council. In the six plans included in the New York law there are not so many differences as one would expect to find. A small council is everywhere given the balance of power. Plan E provides nine councilmen, F permits their election by districts, though only one from each ward; otherwise the council consists of five or six members, elected at large. In three forms, (A, B, and C) the mayor is merely a member of the council, its presiding officer, who has a vote but no veto, and who oversees general municipal affairs, with the privi-

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lege of making reports and recommendations to the council, and is the official head of the city for functions, etc. Plan C gives the council power to appoint a city manager to take administrative and executive charge, and, while he is given wide jurisdiction, he is subject in all matters to the council. The council itself, in Plans A and B, has complete authority over departmental affairs; in A dividing the supervision among its own members and in B performing the duty as a collective body.

The mayor. In Plans D, E and F the mayor is given the executive and oversight as to administration, the difference here being as to the size and election of the council. As chief executive head of the city he maintains peace and order, enforces laws and ordinances, looks to it that officers of the city perform their duties. To the council, however, is given the appointment and removal of officers. All resolves and ordinances of that body are submitted to the mayor; but if he disapprove the council may pass over his disapproval by a four-fifths vote. In each of these plans a maximum compensation for councilmen is indicated; in D, E and F, the salary of the mayor is three times that of a councilor, in A it is one-fourth larger, in B and C it is the same.

Massachusetts Report. Plans A and B. Much more powerful is the mayor in Plan A submitted in the Massachusetts report, which is called the "responsible executive type." Here the government consists of a mayor and council of nine elected at large, with the council simply a legislative body. Absolute power of appointment and removal of heads of departments and members of boards (save, of course, the school committee, assessors, and those appointed by the governor of the State), is given the mayor, as well as the veto power in regard to council measures. Plan B divides authority between the mayor and a council of fifteen or eleven, elected partly by wards and partly at large. The mayor as executive head appoints all officers, but this is subject to confirmation by the council. Curtailment of power is shown also in the ability of the council to pass by a two-thirds' vote a measure of which the mayor has registered disapproval. In both of these plans salaries are fixed by the council, a maximum of $5000 for the mayor and $500 for councilmen being set.

Plans C and D. Commission government is provided by Plan C and a city manager by Plan D, with a council of five elected at large, in each case. In Plan C the affairs of the city are divided into the five departments of administration, finance, public works, public property and health, and each commissioner is elected for a specific de-

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partment, that of the mayor being administration. The mayor, being head of that department, is the chief executive officer of the city, and presides over council meetings, where he may vote. He has no veto power. General jurisdiction over the policies and work of each department is in the hands of the council as a whole, but each commissioner has full power in his own department and appoints and removes officers subject to confirmation by the council. The salary limit is $5000 in the case of the mayor and $4000 for the other commissioners. The mayor in Plan D is that commissioner who receives the largest number of votes; he presides over the council and is the official head of the city; he may vote but has no veto power. The city manager is appointed and removed by the city council; he is the administrative head of the city and is responsible for the conduct of its departments. His salary is determined by the council; that of the mayor may not exceed $2000, of other commissioners $500.

General provisions. On three important matters the Massachusetts report allows no departure from uniformity—municipal finance and the assessing system, civil service, and school administration. The regulations now in force throughout the State regarding boards of assessors, accounting methods, etc., and civil service are to be kept unimpaired by the new bill. The school committee in each case is to consist of six members elected at large. The committee is given entire freedom to govern affairs in its own bailiwick, even to the control of all school buildings and grounds and the planning of new ones. To insure consideration of the city's financial condition in general while making its plans, the mayor is made chairman *ex officio* of the committee. Charter provisions or the general law relating to boards of education in New York are not to be affected in any way by the adoption of one of the new forms of charters. The New York law states that all appointments, promotions, removals and changes in the status of the civil service of a city shall be in accord with the civil service law provisions, but it provides for the appointment of three civil service commissioners for six-year terms, in Plans A, B and C by the city council, and in D, E and F by the mayor. Concerning the assessment of property in Plans A, B and C, the council is given all powers and duties of a board of assessors, although it may provide for one by ordinance; in D, E and F the assessing body is appointed by the mayor with the advice and consent of the council. The judiciary in New York is affected by the new scheme only in case of appointive justices, who are to be chosen by the council or the mayor according to the type of charter selected.

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An interesting feature of the Massachusetts bill is the provision that, in the taking of land for municipal purposes, if the price proposed is twenty-five per cent in excess of the valuation, the land must be taken by eminent domain. Provision is also made for direct legislation, and a separate bill is appended in regard to preferential voting. Primary elections are to be abolished and nominations for all elective offices are to be by petition only. Tenure of office is two years in Massachusetts, thereby avoiding necessity of the recall, but in New York it is in every case four years.

The two schemes are in agreement in several important respects other than as represented by the types of charters offered. It will be noted that councils are in all cases unicameral. Both bills, likewise, emphasize the prohibition of any city official from participating in contracts with cities. The method of adoption of one of the new charters is identical save that in Massachusetts the question may be submitted only at a general election and that there is a slight difference in the number of voters necessary in signing a petition for a new charter—the difference being merely that in Massachusetts signatures must be had from ten per cent of the voters *registered* at the last general state election, while in New York the same percentage is required from the number of votes *cast*. Both States rule that, once adopted, a charter cannot be changed for a period of four years after the inauguration of the first officers elected under its provisions.

The Massachusetts document, if it becomes a law, will furnish a charter with all the modern features, to be selected from the four generally-accepted standard types, for all cities in the States, inasmuch as Plan A of the bill is modeled after the present Boston charter. Its scheme has more simplicity and there is less duplication among the separate plans than is found in the New York act. It has also more features which will make their appeal to municipalities with progressive inclinations. The two bills would seem more assured of success than those which have been introduced in several other States to provide for the adoption of the commission form of government only.

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NEWS AND NOTES

PERSONAL AND BIBLIOGRAPHICAL

EDITED BY JOHN M. MATHEWS

University of Illinois

The twelfth annual meeting of the American Political Science Association will probably be held at Washington, D. C., during the Christmas holidays. The program committee for the meeting consists of Prof. C. L. King, of the University of Pennsylvania, chairman, Prof. John H. Latané, and Prof. C. A. Beard. The American Historical Association will meet at Washington at the same time.

Prof. Charles A. Beard has been appointed supervisor of instruction in the Training School for Public Service, organized by the New York bureau of municipal research. Professor Beard will not give up his connection with Columbia University, where he has recently been promoted to the rank of full professor of politics.

Prof. John H. Latané, of Johns Hopkins University, recently delivered an address at Goucher College on "Problems of Neutrality Growing out of the Present War." The address has been reprinted in the March number of the *Johns Hopkins Alumni Magazine.*

Dr. J. David Thompson has resigned from the legislative reference division of the Library of Congress.

Dr. Charles McCarthy has severed his connection with the United States commission on industrial relations.

The death is announced of Prof. Charles R. Henderson, of the University of Chicago. Among multifarious activities he was formerly president of the National Prison Association, United States commissioner on the international prison commission, and since 1911 has been an associate editor of the *Journal of the American Institute of Criminal Law and Criminology.*

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Prof. R. M. McElroy, head of the department of history and politics in Princeton University has accepted an invitation to spend eight months of the year 1915, in delivering a series of special addresses, upon the subject of "History of the Origin and Development of Representative Government," in the chief centers of China. Professor McElroy and his family will sail for China on the *SS. Mongolia*, from San Francisco on June 12.

Prof. Paul Van Dyke will return from his sabbatical year in Europe early in September, and will resume his courses in Princeton University.

The department of history and politics in Princeton University has just issued a new plan of graduate studies in history and politics, leading to the degree of doctor of philosophy. The plan is an attempt to combine training in the intensive research methods in a special field, with a course of reading covering a very wide area. The plan of study appears in the *Annual Register of the Princeton Graduate School, 1915–16*, department of history and politics.

Prof. Dana C. Munro, will begin his work as professor of medieval history in Princeton, early in September. He will act as the head of the department of history and politics, during the absence of Professor McElroy.

Prof. Arnold B. Hall of the department of political science, University of Wisconsin, will teach in the summer school at Dartmouth in the coming summer session.

Mr. Herman C. Beyle has been appointed assistant in political science in the University of Wisconsin for the coming year; Mr. Harold S. Quigley fellow and Mr. H. Walter Thompson scholar.

Prof. Frederic A. Ogg, University of Wisconsin, has recently published one of the American Crisis Biographies, *Daniel Webster*. George W. Jacobs Company, Philadelphia, is the publisher.

Prof. A. B. Hall, University of Wisconsin, has gotten out a new and enlarged edition of Fishback's *Elementary Law* which Bobbs-Merrill Company will publish about May 1. The LaSalle Extension University will publish an *Outline of International Law*, with bibliography,

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prepared by Professor Hall, about July 1. This volume is a synopsis written in non-technical language for the use of general readers.

Prof. F. A. Ogg of the department of political science, University of Wisconsin, will teach in the summer school at Columbia University in the coming summer session.

Prof. Payson J. Treat, of Leland Stanford University, has been promoted to a full professorship in that institution. He gives courses on comparative colonial administration and on the present governments of Japan and China.

The political science department at the College of the City of New York has been enlarged by the transfer to it of George M. Brett from the mathematics department and of Guy E. Snider from the history department.

Prof. H. B. Woolston, of the department of political science of the College of the City of New York, will give courses at the University of Chicago this summer.

Prof. W. F. Dodd, of the University of Illinois, has been appointed associate professor of political science at the University of Chicago.

Dr. Rasmus Saby, of the department of political science in Cornell University, will give courses on American government and comparative government in the University of Minnesota summer school this year.

The Iowa Social History Series is a new line of publications undertaken by the State Historical Society of Iowa. The first volume to appear in this series is the *History of Poor Relief Legislation in Iowa* by John L. Gillin. Another volume which will soon appear is *Social Legislation in Iowa* by John E. Briggs.

Dr. Dan E. Clark, instructor in the department of political science at the State University of Iowa, is the author of *The Government of Iowa*, published by Silver, Burdett and Company.

Dr. C. R. Aurner is the author of a book on *The History and Government of Iowa*, published by the Houghton, Mifflin Company.

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Text-book Legislation in Iowa is the title of a 60-page monograph by Mr. O. E. Klingaman recently issued by the State Historical Society of Iowa.

A pocket edition of the *Constitution of Iowa*, with historical introduction and index by Benj. F. Shambaugh, was recently issued by the State Historical Society of Iowa.

The Princeton University press has recently issued a new work by Prof. H. J. Ford entitled *The Natural History of the State: An Introduction to Political Science.*

Prof. Raleigh C. Minor of the School of Law, University of Virginia has completed the manuscript of a study of *Federalism as Applied to World Peace.*

Dr. William O. Scroggs, professor of economics and sociology at Louisiana State University, gave the first lecture of the 1915 series on the Phelps-Stokes Foundation at the University of Virginia on March 30. His subject was, "The Civic Status of the American Negro."

Dr. Charles Hillman Brough, professor of economics and political science at the University of Arkansas, will resign his chair at that institution at the close of the present session. He will be a candidate for governor of Arkansas in the forthcoming campaign. Prof. Neil Crothers will succeed him at the University of Arkansas.

D. Hiden Ramsey, formerly of the department of political science at the University of Virginia, will be a candidate for the office of commissioner of public safety under the recently adopted commission form of government in Asheville, North Carolina.

The next meeting of the University Commission on Southern Race Questions will be held on May 5 in Montgomery, Alabama.

Prof. W. M. Hunley of the University of Virginia was the official representative of that institution at the Conference on Charities and Corrections held at Baltimore, Maryland, in April.

A reorganization of the department of political science at Indiana State University has taken place. Prof. A. S. Hershey becomes head

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of the department and will give courses on international law and relations. Assoc. Prof. F. G. Bates will give courses on municipal government and administration. Mr. J. A. Lapp, of the Indiana bureau of legislative information, will lecture on "Special Problems of Legislation." Prof. J. A. Woodburn has been transferred to the history department in the same institution.

A new department of political science has been created at Northwestern University, which will begin its work in the fall of 1915. This has been accomplished by separating the work in diplomacy and government from the history department, adding a number of new courses and engaging a new instructor. To the new chair of political science has been appointed Prof. P. O. Ray, of Trinity College, Connecticut. Prof. N. Dwight Harris will be professor of European diplomatic history and head of the department, and Dr. B. B. Wallace will continue as instructor. For housing the new department of political science, as well as those of history and economics, the new Harris Hall of Political Science has been erected at a cost of $200,000 from funds provided by Mr. N. W. Harris, and will be ready for occupancy at the opening of the next academic year.

A bureau of research and reference in state and federal government has recently been established at the University of Texas. The main purpose of this bureau is to gather information and data for use with classes in these fields. The material gathered will also be used in the preparation of reports especially in the field of state government, and in this way it is expected that the bureau may render service to the legislature and various state departments. The bureau is under the direction of Profs. C. S. Potts and C. G. Haines, with F. M. Stewart as assistant.

A series of six lectures on "Internationalism and the War" was given at Northwestern University this spring. Four of these, on "The Balance of Power in Theory and Practice," "The Near Eastern Question," "Europe and the Southern Slav Question," and "European Diplomacy and the War" were given by Prof. N. Dwight Harris, of Northwestern University. The others were given on "American Neutrality and the European War," by Prof. J. W. Garner, of the University of Illinois, and on "War Law," by Prof. J. S. Reeves, of the University of Michigan.

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A series of ten lectures was given at Columbia University this spring under the auspices of the Academy of Political Science, the New York Bureau of Municipal Research and the Columbia University Institute of Arts and Sciences on the "Functions, Working, and Structure of City Government." Among the speakers were Mayor J. P. Mitchell and Dr. F. A. Cleveland.

A series of lectures were given at Dartmouth College this spring by Prof. W. H. Taft of Yale Law School. His subjects were "The Presidency," "Signs of the Times," and "Popular Government and the Supreme Court."

Prof. Ernst Freund gave in March at the Johns Hopkins University a series of six lectures dealing with "Principles of Legislation." In May Prof. J. W. Garner, of the University of Illinois, gave four lectures at the same university on "French Administrative and Judicial Institutions."

The second annual course of lectures on citizenship at Cornell University, instituted for the purpose of interesting graduates in civic and social movements, was given this spring. Among those who spoke were Roscoe Pound, Jeremiah W. Jenks, John H. Finley, and Lawson Purdy.

Ex-President Taft delivered an address at Princeton University on March 9 before the International Polity Club on the "International Questions which at Present Face the United States."

The Yale lectures on the "Responsibilities of Citizenship" were delivered this spring by Ex-Representative Samuel W. McCall, of Massachusetts.

The Carnegie Endowment for International Peace has arranged with Thomas Y. Crowell Company for the translation into foreign languages of Dr. Chas. E. Jefferson's *The Cause of the War*. This will be broadly distributed in European countries.

The Indian Emigrant is the title of a new monthly magazine, published at Madras, and edited by T. K. Swaminathan. It is to be devoted to the status and doings of Indians in British colonies and foreign countries, and advocates the equal rights of British citizenship within the Empire.

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An annual series of lectures on American politics has been inaugurated at the University of North Carolina. The first lecturer in the series was Ex-President Taft, who spoke there this spring on "Duties, Powers, Limitations and Responsibilities of the Presidency."

The System as Uncovered by the San Francisco Graft Prosecution, by Franklin Hichborn (San Francisco, J. H. Barry Company, 1915, pp. 464), is an interesting account, told in graphic style, of the sordid facts brought out at this famous prosecution. The author, who is well known for his accounts of the California legislative sessions of 1909, 1911, and 1913, gives credit for the disclosure of the "system" to Rudolph Spreckels, who furnished the funds, and F. J. Heney, who conducted the prosecution.

New volumes which have recently appeared in the National Municipal League Series include *The City Manager*, by H. A. Toulmin; *Women's Work for the City*, by Mary R. Beard; *The Relation of the City to the Cost of Living*, by C. L. King; and *Satellite Cities*, by Graham Taylor.

The utilities bureau, a national agency for the collection and dissemination among cities of information relative to public utilities has recently been formed. Dr. Charles R. Van Hise, president of the University of Wisconsin, is president of the board of trustees and Dr. C. L. King of the University of Pennsylvania, is secretary.

Courses will be given this year in the summer school session of the University of California on "American City Government," and "European City Government," by Prof. H. G. James, of the University of Texas, and on "Introduction to Political Science," and "Political Parties," by Prof. V. J. West of Leland Stanford University.

The annual meeting of the Intercollegiate Civic League was held in the early part of April in New York and Washington. This league has been reorganized as a division of the National Municipal League. Among the members of the executive committee are Charles A. Beard, Richard S. Childs, E. M. Sait, and Clinton Rogers Woodruff.

Problems of Community Life, by Seba Eldridge (New York, T. Y. Crowell Company, 1915, pp. 180), is a sketchy outline of applied soci-

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ology in which the author touches cursorily upon sixty problems of community life, chiefly as found in New York City. One chapter is devoted to "Politics and Government in New York." The book has no index.

The group of papers read at the Conference on Latin America held at Clark University have been published under the title *Latin America: Clark University Addresses*, edited by G. H. Blakeslee (New York, G. E. Stechert and Company, 1914, pp. 388). They deal with such subjects as The Monroe Doctrine, The Panama Canal, Mexico, and in general, the relations between the United States and Latin America.

An *Index to United States Documents Relating to Foreign Affairs, 1828–1861*, compiled by Miss Adelaide R. Hasse of the New York Public Library is about to be issued by the Carnegie Foundation.

The third and final volume of Freiherr von Maltzahn's *Der Seekrieg zwischen Russland und Japan, 1904 bis 1905* (Berlin, Mittler, 1914, pp. 262), has appeared.

A review of minimum wage legislation by Irene Osgood Andrews and a bibliography on the same subject by C. C. Williamson are included in the appendix to the *Third Report of the Factory Investigating Commission* of New York, 1914 (Albany, pp. 676). The minimum wage commission of Minnesota has published a pamphlet containing the opinion of the Attorney-General of Minnesota on the constitutionality of the Minnesota minimum wage law and the decision of the Oregon supreme court on the constitutionality of the Oregon law.

The *First Biennial Report of the Tax Commission of the State of South Dakota*, 1913–1914 (Aberdeen, 1914, pp. 532), contains besides the recommendations of the commission, a proposed codification of the revenue laws of the State. There is also, beginning at page 151, a list with brief description of the various permanent state tax commissions. The *Report of the Tax Commissioner of Connecticut* for 1913 and 1914 contains, besides routine matters, the papers read at the annual conferences of state tax associations held at Hartford during the above years.

Public Utilities Reports Annotated is the title of a new publication, the first volume of which has been brought out by the Lawyers Coöperative Publishing Company of Rochester, New York. The aim is to cover

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the decisions and rulings of the various state public service commissions and also the decisions of state and federal courts relating to public utilities.

An elaborate report on *The Government of the State of New York: a Description of its Organization and Functions* (1915, pp. 768), has been prepared by the New York State department of efficiency and economy, for the constitutional convention commission of that State. The New York bureau of municipal research coöperated in preparing the report.

The January number of the *Annals of the American Academy of Political and Social Science* contains the proceedings of the conference of American mayors held in Philadelphia last November and deals with the subject "Public Policies as to Municipal Utilities." The March number is devoted to the problem of tax reform, national, state, and local. The nineteenth annual meeting of the Academy was held in Philadelphia in April, at which papers were read upon "American Problems Arising out of the European War." The celebration of the twenty-fifth anniversary of the founding of the Academy has been postponed until next year.

A digest of the governors' messages to the legislatures of 1915 has been prepared by Mr. John A. Lapp of the Indiana bureau of legislative information.

The Proceedings of the Governors' Conference, held in Madison, Wisconsin last November have been published (Madison, Wis., 1915, pp. 306). About twenty governors were in attendance. The principal subjects considered in the addresses are: "Rural Credits," "State Control of Natural Resources," "Uniformity of Safety and Sanitation Laws for Places of Employment," "Workmen's Compensation Laws," "Submission of the Governors' Recommendations in Bill Form," and "Uniformity of Laws Relating to Foreign Corporations." The secretary of the conference is M. C. Riley, of Madison, Wisconsin.

It is announced that a convention of state lieutenant governors will meet at Rhea Springs, Tennessee, in May for the purpose of forming an organization to promote matters in which members are interested.

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The *American Year Book* is rapidly becoming an almost indispensable work of reference on current developments in a very wide range of human endeavor. The fifth volume in the series, which has recently appeared (New York and London, D. Appleton and Company, 1915, pp. xviii, 862), contains in general the same features as in the former volumes, except, of course, for the space devoted to the European War.

The ninth annual meeting of the American Society of International Law, which was scheduled to be held in April, has been postponed so as to meet with the section on international law of the Second Pan-American Scientific Congress at Washington, D. C., from December 27, 1915 to January 8, 1916. The newly organized American Institute of International Law, composed of representatives of national societies of international law formed in the different Pan-American countries will also hold its first session in connection with the congress.

Special Libraries for January contains a "List of References on the Regulation of the Issuance of Railroad Stocks and Bonds."

Through the bureau of the census there has been prepared a *Summary of State Laws Relating to the Dependent Classes, 1913* (Washington, Government Printing Office, 1914, pp. 346). The volume digests the principal laws of the various States dealing with the administrative and supervisory agencies for relief of the dependent classes. There is also appended a tabular review of summaries of the principal topics included in the laws cited.

A new edition of Benjamin Kidd's *Social Evolution*, revised and somewhat enlarged has appeared from the press of the Macmillan Company. The most important of the additions is the author's reply to criticisms contained in appendix I.

The Year Book of the United States Brewers' Association for 1914 (New York, 1914, pp. 353), contains the reports delivered at the annual convention of the brewers held at New Orleans in November, with added chapters on the alcohol question and saloon reform.

The annual Conference on International Arbitration will be held at Lake Mohonk, New York in May. The award of the Pugsley prize for the best essay on this subject will be made at the conference.

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The *Proceedings of the Eighth Annual Conference of the National Tax Association* (Madison, Wis., 1915, pp. 499), which has recently appeared, contains the usual number of valuable papers and addresses dealing with the many phases of tax administration in this country and Canada —the special problems of particular States, the tax legislation of the year, statistics of taxes and public expenditures and accounts of the practical working of various forms of taxation, such as of express companies, of foreign corporations, of securities, of life insurance, of incomes, of metalliferous mines, and of land values.

The Ninth International Congress on Social Insurance will be held in Washington, D. C., September 27 to October 2, 1915. Existing agencies performing social insurance functions and the various kinds of social insurance, such as workmen's accident, sickness, old age, unemployment, etc., will probably be considered. The secretary of the congress is M. M. Dawson, 130 East Twenty-second Street, New York City.

At the eleventh annual conference of the American Medical Association, held in Chicago in February, one session was devoted to "Public Health and Legislation." The discussion on the report of the committee on medical expert testimony was participated in by Prof. John H. Wigmore of Northwestern University Law School, and Judge Harry Olson of the Chicago municipal court. Other subjects discussed at this session were "A Model Bill on State Public Health Organization," and "State Regulation of Those who Treat the Sick," by Hon. G. H. Hodges, ex-Governor of Kansas.

Plans are on foot for the organization of a Society for the Promotion of Training for Public Service. This is an outgrowth of the work of the committee on practical training for public service of the American Political Science Association. The secretary of the committee on organization is E. A. Fitzpatrick, of Madison, Wisconsin. Among the other members of the committee on organization, according to a pamphlet sent out by the promoters of the plan, are Prof. Charles McCarthy, of the University of Wisconsin, President Sidney E. Mezes, of New York City College, and Winston Churchill.

A Pan-American financial conference will be held in Washington, D. C., on May 10, for the purpose of strengthening the financial and commercial relations between the nations of the western hemisphere.

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The fourth annual meeting of the Ohio Municipal League was held in Columbus in February. The discussions centered principally around the question of state financial administration with reference to the needs of municipalities. Prof. F. W. Coker of Ohio State University was reëlected secretary-treasurer of the League, and Prof. S. G. Lowrie, of the University of Cincinnati, was elected fourth vice-president. At the third annual meeting of the League of Pacific Northwest Municipalities, Dr. John H. Russell, of the department of political science at Whitman College, was elected secretary of the League. The *Proceedings of the first annual convention of the Illinois Municipal League*, held at Urbana in October, have been published as a University of Illinois bulletin (January 18, 1915, pp. 76). Among the papers included may be mentioned "Municipal Home Rule," by R. M. Story; "The City Manager Plan," by L. D. Upson; and "Municipal Reference Libraries," by J. A. Fairlie.

Dr. Edwin M. Borchard, law librarian of Congress, is editing for the department of commerce a series of reports on various matters of commercial law and civil procedure in France and Germany of interest to American business men and to lawyers engaged in commercial practice dealing with those countries. The monograph on France will deal with the French law of corporations, the organization of corporations, the introduction of American securities into the French market, besides various matters of civil procedure. The monograph on Germany will discuss the law of unfair competition, judicial organization and various matters of civil procedure of interest to American citizens, particularly such matters as depositions, security for costs, powers of attorney, court costs, and similar matters. As an appendix to the monographs a glossary of technical legal terms will be published.

On June 1, Dr. Edwin M. Borchard, law librarian of Congress, will undertake an extended trip through the countries of South America on behalf of the department of commerce and the Library of Congress. For the department of commerce, Dr. Borchard will study various phases of commercial law and civil procedure of interest to American business men and lawyers with customers and clients in South America. On behalf of the Library of Congress, he will study the law and legal literature generally of the Latin-American countries with a view to bringing to the Library of Congress the best legal literature of those countries and to prepare for the publication of a *Guide to the Law and*

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Legal Literature of Latin America which the Library of Congress expects to publish some time during the year 1916.

The *National Voters' League Bulletin No. 5*, issued in March (1915) is devoted to an explanation of the way in which control by the House "organization" is perpetuated from one Congress to another, and to outlining desirable changes in the organization and procedure of the House. The most important changes recommended are (1) a rule requiring the committee on rules to report upon every proposed change in the rules; (2) a reduction in the number, and a reorganization, of the standing committees; (3) the election of committee chairmen by the committees; (4) open committee sessions, and publication of records of all committee meetings and the keeping of committee calendars; (5) a budget system; and (6) the electrical recording of votes both in the House and in committee of the whole.[1]

The Carnegie Foundation for International Peace has plans on foot for securing the appointment of prominent men in various university summer schools this year to give courses on international relations and world peace.

At the University of Minnesota there have been started a series of essays on current problems and a series containing the results of research in the social sciences. The first political science number in the series of research publications will appear shortly.

Prof. H. G. James, of the University of Texas, is preparing a volume on the *Government of the German States* to be brought out by the World Book Company in the series of government handbooks edited by Prof. D. P. Barrows, of the University of California.

The bureau of municipal research and reference at the University of Texas has established an employment agency feature for city administrative officials, particularly city managers. The object, in brief, is to bring together cities and administrative experts. The work is under the direction of Prof. H. G. James.

Throughout the *Third Annual Report of the Economy and Efficiency Commission* (1915), of New Jersey, there runs a note of disappoint-

[1] Furnished by Prof. P. O. Ray, Trinity College.

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ment, almost of discouragement, due to the failure of the last two legislatures to adopt any of the changes recommended in the first two reports of the commission. The commission has not made as exhaustive an investigation as it deems desirable, but until the legislature more clearly defines its policy with respect to the changes already recommended, the commission feels that it is inadvisable to involve the State in the expense necessary to carry on further investigations. The resolution creating the commission in 1912 authorized it to consider and report upon "the best means to consolidate various boards and to broaden the powers in one central board or boards." Confining itself to this restricted function, the commission recommends (1) the creation of a department of conservation and development by consolidation of the State Geological Survey and the following commissions, the Forest Park reservation, the water supply, the state museum, the Washington Crossing Park, and the Fort Nonense; (2) the creation of a department of commerce and navigation to comprise the state harbor, the ship canal, and board of riparian, commissions, the department of inland waterways, and the inspectors of power vessels; (3) the establishment of a department of shell fisheries, to include the bureau of shell fisheries, the State and the Atlantic and Ocean county oyster commissions, and the Shark River commission; (4) the reorganization of the board of health by the substitution of a director of health for five paid commissioners, and the addition of an advisory board, the new board to be given authority to enforce state laws in local districts; (5) a consolidation of the board of assessors and the board of equalization of taxes, the new board to consist of six members; (6) the transfer of the engineers of the board of assessors to the board of utility commission, without, however, interfering with the work of revaluation and assessment now in charge of the engineering corps; and (7) the creation of a department of labor and industry to include the present department of labor and the bureau of industrial statistics. To the legislature of 1915 the commission intends to submit a further report as to suggestions and plans for the continuation and completion of its work.[2]

The bill which was prepared by the Minnesota economy and efficiency commission and introduced in the legislature of that State is reported to be dead for the present, but an interim committee has been appointed to report a bill for the next session.

[2] Prepared by P. Orman Ray, Trinity College (Connecticut).

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The Illinois efficiency and economy committee, the work of which has been directed by Prof. J. A. Fairlie of the University of Illinois, has made its report to the general assembly of that State (Urbana, 1915, pp. 80). After sketching the defects of the present arrangements, the report outlines the proposed plan of the commission of reorganizing the state administration into a small number of compact departments. The more detailed investigations of the various divisions of the state administration are published as appendices to the commission's report. They are as follows: "Revenue and Finance Administration," by J. A. Fairlie; "Charitable and Correctional Institutions," by J. W. Garner; "Educational Administration," by J. M. Mathews; "Labor and Mining Agencies," by W. F. Dodd; "Agricultural Agencies," by J. W. Garner; "Public Health Administration," by J. M. Mathews; "The Accounts of the State," by G. E. Frazer; "Classification of Accounts for Correctional Institutions," by S. Bell; "Supervision of Corporations," by M. H. Robinson; "Public Works," by C. O. Gardiner; "Military Administration," by Q. Wright; "Civil Service Laws," by A. C. Hanford.

The *Report of the Pennsylvania Economy and Efficiency Commission* (December, 1914), indicates that there are 5152 positions in the state service, of which 1168 were created by statute; 2752, "by legislative appropriation," and 1232 are "contingent or temporary positions." Legislation is recommended "creating and fixing the salary of every position in every department," and the discontinuance of the practice of creating positions "simply by increasing appropriations." The most important recommendations include the enactment of a civil service law to "control state positions," to be administered by a "state board of examiners;" extensive river and harbor improvements at state expense at Philadelphia and Pittsburgh; changing the election of the governor from the even to the odd-numbered years; the creation of a department of justice, conservation department, a state tax commission, a state board of public property; also a publicity bureau, since "it does not become a Commonwealth as great as Pennsylvania to forge ahead steadily in silence."

The other principal points covered by the report may be briefly summarized. Legislation is recommended to provide (1) for the retirement on half-pay of superannuated state employees; (2) for "combining offices whenever their duties are compatible and providing one salary

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for all services;" (3) for the creation of a commission to recommend a uniform system of accounting and bookkeeping for all departments of the state government; (4) for a "semi-monthly pay system" for state employees, and the payment of salaries of departmental officials and those connected with state institutions by one system of checks issued by the treasury department, to replace the present system of individual departmental or institutional checks; (5) for monthly, instead of quarterly, allowances for state institutions; (6) for authorizing the state board of education to reorganize the department of public instruction, and for raising the question of vocational education "to the position it deserves in the educational system of the state;" (7) for giving the superintendent of printing and binding "direct supervision over the printing and binding furnished for all state institutions;" (8) for the abolition of the statutes-at-large commission, of the elevated and underground passenger railways board, the duties of the latter to be transferred to the public service commission, of the board of property with transfer of its duties to the commissioner of forestry, of the commission of soldiers' orphan schools with transfer of duties to the state board of education, and of the board of agricultural instructors and demonstrators; (9) for the transfer of the dairy and food division and the livestock sanitary board from the department of agriculture to the health department, and for extending the jurisdiction of the livestock inspectors over retail as well as wholesale butchers and meat dealers; (10) for the consolidation of the board to license private bankers, the board of public accounts, the board of revenue commissioners, and the sinking fund commission into one body to be called the "revenue and finance board," consisting of the auditor general, the commissioner of banking and the attorney general.

An appendix to the report consists of a useful, though incomplete, tabulation of officials connected with the state departments together with their respective salaries and references to the legislative acts relating to each position. In spite of many shortcomings, chief of which perhaps is the absence of any suggestion of budgetary reform, the report contains many recommendations which deserve adoption, especially if the State of Pennsylvania is to merit the commission's flattering compliment of being "more progressive on sane lines" of legislation than any other State and "the leader in everything that is for the best interests of all her people."[3]

[3] Contributed by P. Orman Ray, Trinity College (Connecticut).

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The second volume of the publication entitled *Guerre de 1914, Documents Officiels, Textes Legislatifs et Réglementaires*, mentioned in the February number of this REVIEW has appeared (Paris, Dalloz, 1915). It covers the documents from October 15 to January 1. The Oxford University Press has issued a series of pamphlets designed to furnish a background for the study of the European war. Among the titles thus far issued may be mentioned *Austrian Policy Since 1867*, by M. Beaven, and *Italian Policy Since 1870*, by K. Feiling. *Der Deutsche Krieg, Politische Flugschriften*, edited by E. Jaeckh (Stuttgart, Deutsche Verlags-Austalt), is the title of a similar series being issued in Germany. Among the numbers in the series are: *Warum es der Deutsche Krieg ist*, by Paul Rohrbach; *Deutschland und Frankreich*, by Friedrich Naumann; *Deutschland und der Islam*, by K. H. Becker; and *Deutschlands Weltkrieg und die Deutschamerikaner*, by Hermann Oncken. The *Diplomatic Correspondence Respecting the War, published by the French Government*, usually known as the French Yellow Book, has been reprinted by the American Association for International Conciliation in its bulletins nos. 87 and 88 for February and March, 1915.

Columbia University has recently isued as volume 58 of the *Studies in History, Economics, and Public Law* a work of 683 pages by J. G. de Roulhac Hamilton on *Reconstruction in North Carolina*. A portion of this study was privately printed as a doctoral dissertation in 1906. The volume deals with every phase of politics in North Carolina from 1860 to 1876. It is of the same general scope as Garner's *Reconstruction in Mississippi* and Fleming's *Reconstruction in Alabama*. In some respects North Carolina offers a more interesting field than either of the States just mentioned because of the recognition by President Johnson in the early stages of reconstruction of the former Whigs, who were still strongly opposed to the Democrats. The volume is based on a careful and exhaustive study of the sources. It is clearly and interestingly written, and is in every way a valuable contribution to American history.

The Neale Publishing Company has issued a volume entitled *The Facts of Reconstruction*, by John R. Lynch. This volume is largely a personal narrative by one of the cleverest of the negro leaders who came into prominence during the period. The author was a member of the Mississippi legislature, speaker of the house, and member of Congress and later fourth auditor of the United States treasury. The

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volume is well written and interesting, but appears to be based entirely on the author's impressions and recollections. It is an avowed defense and justification of the congressional plan of reconstruction.

Houghton, Mifflin and Company have issued, in two handsome volumes, *The Life of Rutherford Birchard Hayes*, by Charles Richard Williams. President Hayes has usually been regarded by the American people as a gentleman of amiable disposition but second-rate ability, who attained the presidency as a result of general "availability" rather than of special preëminence. To take as a subject a man who has been regarded as distinctly commonplace and to write about him two volumes that hold the reader's undivided attention from cover to cover is a literary achievement of no mean order. Even Hayes's military experience is made interesting, and the sincere and straightforward accounts of his political career, taken from his diary and letters, win the confidence and sympathy of the reader. The volumes are eulogistic in the extreme, and the reader has to keep reminding himself constantly that Mr. Williams has on all the controverted points in Hayes's career made large omissions of documents and facts which he might find it difficult to explain. The volumes are, nevertheless, a most welcome addition to the political literature of the period which they cover, particularly the years 1876–1880.

The Macmillan Company has issued a volume on *Abraham Lincoln* by Rose Strunsky. The writer prefaces her volume with the statement that so far "we have had no life written of Abraham Lincoln worthy of that great man," and she undertakes the rather ambitious task of filling that need. There is absolutely nothing new in the book except her point of view, and that is not easily stated in a few words. Her main thesis seems to be that "not slavery but property in land was the real cause of the Civil War," and that Lincoln was the typical small homesteader who objected to slavery "only because he objected to the large landlord." This rather interesting thesis is repeatedly asserted throughout the volume but nowhere clearly demonstrated. The volume is full of errors, and fails to show any real grasp of American history.

A short life of Millard Fillmore by William Elliot Griffis has been published by Andrus and Church of Ithaca, New York. The volume is laudatory but on the whole colorless, and for the student of American politics it possesses little interest.

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Readings in Political Philosophy, by F. W. Coker (New York, The Macmillan Company, 1914, pp. xv, 573) is a group of selections from the writings of about twenty of the most important political thinkers from Plato to Bentham. To each set of selections the editor has prefixed a brief introduction indicating the setting and place of the particular author in the history of political thought. Further reading on each topic is facilitated by the "selected references" appended to each chapter. The aim of the editor has been to give rather extensive selections from a few of the most important authors rather than briefer selections from a wider range of writers. Teachers of classes in political philosophy who have hitherto been compelled to rely largely upon historical and expository treatises will find the volume a convenient means of sending their students directly to the sources. The selection of the authors and of the writings of each particular author seem to have been well done in most cases, and some selections are now made available in English form for the first time. It is to be hoped that the success which the present volume deserves will induce the editor to prepare and bring out later a volume of selections covering the writers since Bentham.

A Decade of American Government in the Philippines, 1903–1913, by David P. Barrows, professor of political science in the University of California (Yonkers, World Book Company, 1914, pp. xiv, 66), was prepared by the author as an additional chapter to the third (1914) edition of his larger work on the *History of the Philippines*, first published in 1903. It is "separately printed for the convenience of those desiring a brief historical review of the events of the last ten years." The author briefly summarizes the political, administrative, material, economic, and educational developments of the decade, and brings the narrative down to the beginning of Governor-General Harrison's administration. The author recognizes but two probable futures before the Philippines—"either a continuance of the policy of the last decade, or the complete abandonment of the islands to their own support" (p. 66). He feels that the results of American occupation constitute a "signal triumph" and is opposed to the abandonment of the islands by the United States. The author's account of events and conditions is based upon his actual experience in the islands, as head, first of the bureau of non-Christian tribes, and later, of the department of education.

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An Introduction to the Study of Government, by L. H. Holt, of the United States Military Academy (New York, Macmillan Company, 1915, pp. x, 388), is an attempt to write a textbook in government upon somewhat new lines. It undertakes to set forth the general principles underlying the principal modern governments; combining a certain amount of political theory with reference to concrete practice. In these respects it follows Garner's *Introduction to Political Science*, but is somewhat more elementary. The book covers such an extensive field that most of the topics receive only brief and fragmentary treatment and great condensation is necessary throughout. Illustrative citations and documents are added, however, at the end of each chapter and in the appendix, which may be used as source material. The book will doubtless prove useful as a text in classes which have only a comparatively short time to devote to the whole field of government.

The *Gesetz- und Verordnungsblatt für die okkupierten Gebiete Belgiens*, issued by the German government, exemplifies the methods which the Germans have adopted in applying typically Prussian rules and regulations to Belgium. It is also interesting as an example of legislation of an emergency character enacted by a belligerent to the government of enemy territory under military occupation. It is difficult in this country to obtain official texts of these laws and ordinances, and we therefore welcome their publication in a small volume entitled *German Legislation for the Occupied Territories of Belgium*, edited by Charles H. Huberich and Alexander Nicol-Speyer (The Hague, Martinus Nijhoff, 1915, pp. viii, 108). The volume embraces nos. 1 to 25 of the *Gesetz- und Verordnungsblatt* from September 5 to December 26, 1914, and not only the German but also the corresponding French and Flemish texts are published.

Among the announcements of forthcoming books which may be of interest to political scientists are the following. The Yale University Press: *Bracton: De Legibus et Consuetudinibus Angliae*, edited by George W. Woodbine; *Undercurrents in American Politics*, by Arthur Twining Hadley; *Municipal Citizenship*, by George McAneny; Sturgis and Walton Company: *The Orthocratic State*, by John Sherwin Crosby; John Lane Company: *War and World Government*, by Dr. Frank Crane; Mitchell Kennerley: *The Great War, The Second Phase*, by Frank H. Simonds; Columbia University Press: *Law and its Administration*, by Harlan E. Stone; The Macmillan Company: *America and her Prob-*

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lems, by Paul Benjamin D'Estournelles de Constant; *American Municipal Progress*, new and enlarged ed., by Charles Zueblin; Houghton, Mifflin Company: *The Diplomacy of the War of 1914*, Vol. I, *The Beginnings of the War*, by Ellery C. Stowell; Ginn and Company: *Hague Arbitration Cases*, by George G. Wilson; Duffield and Company: *The Emancipation of the American City*, by Walter Tallmadge Arndt; A. C. McClurg and Company: *Peace Insurance*, by Richard Stockton, Jr.; *Germany's Isolation, an Exposition of the Economic Causes of the War*, by Paul Rohrbach, translated from the German by Paul H. Phillipson; D. Appleton and Company: *The City Manager*, by Harry Aubrey Toulmin, Jr.; Henry Holt and Company: *History of American Diplomacy*, by Carl Russell Fish; Century Company: *European Police Systems*, by Raymond B. Fosdick; Methodist Book Concern: *The Essence and the Ethics of Politics*, by S. Arthur Cook.

Among the French works dealing with the war, which are announced as in preparation are the following: *Les Causes de la Guerre Européenne*, by André Chéradame (Plon, Nourrit et Cie); *Les Finances de Guerre de l'Angleterre*, by Gaston Jèze (Giard et Brière): *Les Luttes des Nations*, by Arthur Bochard (Giard et Brière); *Les Sources de l'Histoire de la Guerre Européenne*, by Albert Maine and Alfred Percire (Ed. Champion).

Principles of Taxation, by Hastings Lyon (Boston, Houghton, Mifflin Company, 1914, pp. 133) is the ambitious title of an unpretentious but useful work dealing with such subjects as the nature of taxes, on the objects of taxation, the assessment and collection of taxes, the separation of state and local revenues, the taxation of corporations, and the single tax. The book, as the author states, is the outgrowth of a report which he made, as counsel, to the taxation committee of the Investment Bankers Association of America. As might be expected, the author objects strongly to taxation of the "corporate excess" of corporations. In spite of the sources from which it comes, however, the book betrays but slight traces of partisanship. The limited dimensions of the volume confine the author to a discussion of the various topics from a merely fiscal point of view, and the ultimate social effects of taxation receive little or no consideration.

The Democracy of the Constitution, by Henry Cabot Lodge (New York, Scribner, 1915, pp. 297), consists of a series of occasional papers and

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addresses, rather loosely strung together. The most important are the five dealing with the "Democracy of the Constitution" viz., "The Public Opinion Bill," "The Constitution and its Makers," "The Compulsory Initiative and Referendum, and Recall of Judges," "The Constitution and the Bill of Rights," and "The Democracy of Abraham Lincoln," and the two biographical papers on John C. Calhoun and Thomas B. Reed. The papers are written in a popular style, and take a conservative, if not reactionary, attitude toward such devices as the initiative, referendum and the recall of judges.

Among the numerous works which have recently appeared relating to the political philosophy behind the European war, one of the most useful is *The Confessions of Frederick the Great, together with the Life of Frederick the Great*, by Heinrich von Treitsche, edited with an introduction by Douglas Sladen and a foreword by Geo. Haven Putnam (New York, G. P. Putnam Sons, 1915, pp. xxv, 208). More than half of the volume is devoted to the "Confessions," to which the editor traces the origin of the "gospel of inhumanity" preached by von Bernhardi in his *Germany and the Next War*. *The Life of Frederick* by von Treitsche is added as affording an interesting commentary on the "Confessions."

Although written before the outbreak of the World War, *The Pan-Angles, A Consideration of the Federation of the Seven English-Speaking Nations*, by Sinclair Kennedy (New York, Longmans, Green and Company 1914, pp. 244), has a bearing upon one phase of that conflict. The author predicts the inevitable conflict between Anglo-Saxon civilization and that of other races and maintains that, as preparation for such a struggle, the English-speaking peoples should form a federation. The seven so-called "nations" are the British Isles, the United States, Canada, Newfoundland, Australia, South Africa, and New Zealand. The author points out the many institutions and elements of civilization which the seven "nations" have in common, and which warrant their drawing more closely together into a federation. Although perhaps, not fully appreciating all the difficulties involved, the author makes a very strong argument for the feasibility of such a federation.

Another volume in the series of essays of the late William Graham Sumner, edited by Albert G. Keller, has been brought out by the Yale University Press under the title *The Challenge of Facts and Other Essays*.

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(New Haven, 1914, pp. 450). The essays, some of which are hitherto unpublished, are characterized by keen insight and felicity of expression. Among the more important, in addition to the title-essay, may be mentioned "The State as an Ethical Person," "Speculative Legislation," "Republican Government," "Democracy and Responsible Government," and "Advancing Social and Political Organization in the United States." It is the intention of the editor and publishers to complete the series later by the publication of a fourth volume of Sumner's essays.

The Common Law and the Case Method in American University Law Schools, by Prof. Josef Redlich, of the University of Vienna, is the title of a bulletin recently issued by the Carnegie Foundation. The bulletin embodies the results of a special investigation for which the distinguished Austrian made a visit to the United States. Professor Redlich is greatly impressed with the extent to which the study of law has developed in American schools. He finds that, on the whole, the case method of instruction has been eminently successful, and thinks that its success lies in the fact that it enables the student to find out what the law is rather than what it ought to be, and is better adapted to the purpose and subject-matter of legal instruction in this country. He maintains, however, that the case method may be overdone, and feels that it should still be combined to a certain extent with the lecture method. There is included in the bulletin also a sketch of the development of law and legal instruction on the continent of Europe.

Callahan, James Morton: *Semi-Centennial History of West Virginia, with Special Articles on Development and Resources.* (Semi-Centennial Commission of West Virginia, 1913. 593 p.) The semi-centennial commission of West Virginia is to be congratulated on its decision that the celebration "should be given a practical form in some enterprise of permanent value." This volume, which is the outcome of that decision, is divided into two nearly equal parts in the first of which Mr. Callahan presents the political and economic history of the State in some detail. This gives evidence of much scholarly work with extensive materials, but it is greatly to be regretted that "footnote references to authorities, which appeared in the first draft of the author's manuscript, have been omitted to meet limitations of space." The extensive bibliography is a mere alphabetical list of books and articles without annotations or classification and the index, which covers only the

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history proper, is inadequate. The second half of the book is made up of special articles contributed by various writers. Thirteen of these deal with economic subjects and seven with political institutions. Then there is a series of five articles on as many religious denominations and one article each on medicine, journalism, education, and literature. The editor contributes a valuable article on "The Study of Local History;" then follows an account of the semi-centennial celebration; and the book closes with an article on the state seal. Little excuse can be seen for the inclusion of these special articles in the volume, other than the desire to drag in as many contributors as possible. If the information which they contain is essential to a well-rounded history of the State, it should have been incorporated in the text; if not, the articles should have been published separately, if at all. The make-up of the volume is crude and the illustrations are of the sort that one expects to find only in blue-books and similar state publications.[4]

German World Policies (New York, The Macmillan Company, 1915, pp. xi, 243) is the title given by Dr. Edmund von Mâch to a translation of Paul Rohrbach's *Der Deutsche Gedanke in der Welt*, published in 1912. The translator chooses to paraphase the title of the original, owing to the fact that "the German word *Gedanke* connotes a greater wealth of political thoughts than the English word *idea*." Possibly *influence* would have been a better term to use than *policies*, since the author defines the German idea as "the ideal force of Germanism, as a formative power in relation to the present and future happenings of the world."

The underlying assumption of the book is that "we (Germans) have been placed in the arena of the world in order to work out moral perfection, not only for ourselves, but for all mankind." The spread of the German idea is, we are told, essential to the maintenance of Germany's power, for without foreign markets, the natural development of Germany must cease and she will be unable to shape the culture of the world. After travelling around this circle it is difficult for the reader to determine whether expansion is necessary in order to spread the German idea or the idea is to be the necessary forerunner of expansion. In the chapters that follow the author frankly admits that Germany is handicapped in the struggle for expansion both by the historical facts which have delayed the achievement of her national existence and weak-

[4] Contributed by Prof. S. J. Buck, University of Minnesota.

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ened its internal unity and by the further fact that class distinctions and a narrow parochialism have prevented the average German from thinking imperially. The author speaks very frankly of certain national faults of his countrymen and admits that before Germany can hope to win moral conquests in the world she must overcome the distrust with which democratic nations regard the reactionary government of Prussia. This admission and the confession that there exists in Germany an offensive superiority and an awkwardness of behavior which are constantly putting us at a disadvantage" and that the North German character is "incapable of freely understanding the moods of other nations and of living in friendly harmony with other people" will make the reader all the more ready to concede the truth of the author's statement that the progress of German abroad can be explained only by her "exact and conscientious labor" and her "remarkable diligence."

In her endeavor to become "co-mistress of the culture of the world" Germany must expect to meet with opposition from England who is at present sole mistress of this culture. Hence the need on the part of Germany of a navy "strong enough to endanger England's superior position on the sea, if she should attack us, even if the immediate outcome should be advantageous to her." In reply to Mr. Churchill's statement that the English "have never had any thoughts of aggression," the author points to the many contrary expressions of opinion in England in which the German fleet is spoken of as a distinct menace to England.

The book on the whole is a statement in moderate language of Germany's need of expansion and of the changes in her national policy required to effect it. It is unfortunate that the translator has seen fit to suppress a "few paragraphs" which he thought might be misunderstood. When a nation is pleading its cause before the court of the world any suppression of evidence arouses suspicions which are worth any number of misunderstandings.

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REPORT OF COMMITTEE OF SEVEN ON INSTRUCTION IN COLLEGES AND UNIVERSITIES[1]

In its report presented a year ago the committee offered some data based upon replies from 458 institutions. During the current year the committee sent out a separate questionnaire through the bureau of education. From the replies received and information previously gathered, the committee has prepared a record of courses offered in 531 institutions. In all but a few cases the record has been approved by an officer of the college or university and represents correctly the courses announced or given in each institution.

Hours are recorded in the revised table for the following subjects:

1. American government:
   a. National;
   b. State and local;
   c. Municipal.
2. General political science (courses based on volumes such as Garner, Leacock and Gettell).
3. Comparative government.
4. English government.
5. International law.
6. Diplomacy.
7. World politics.
8. Jurisprudence or elements of law.
9. Commercial law.
10. Roman law.
11. Administrative law.
12. Political theories (history of political thought).
13. Party government.
14. Colonial government.
15. Legislative methods and legislative procedure.

[1] The committee desires to acknowledge its indebtedness to the following men for reports on the teaching of political science in particular States, and for valuable assistance in the preparation of this report: C. S. Potts, University of Texas; W. J. Shepard, University of Missouri; W. M. Hunley, University of Virginia; Jesse S. Reeves, University of Michigan; Carl Christophelsmeier, University of South Dakota; A. B. Hall, University of Wisconsin; Clyde L. King, University of Pennsylvania; J. E. Boyle, University of North Dakota; H. A. E. Chandler, University of Arizona, and F. W. Coker, Ohio State University.

For a partial report on colleges and universities consult the *Proceedings of the American Political Science Association* for 1913, pp. 249–266.

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16. Current political problems.
17. Municipal corporations.
18. Law of officers and taxation.
19. Seminar.
20. Additional courses.

The reports secured from these institutions were used as a basis for a classification of colleges in accordance with the number of hours announced in political science. It is recognized of course that the basis of hours announced is not an accurate foundation to rank institutions and it is clearly apparent that some schools are overrated in the list because of the fact that a large number of courses are announced and relatively only a few are given in any one year. However, it is evident from data available that only a few institutions in a tabulation of this sort are incorrectly rated and whenever possible the committee has aimed to avoid a manifestly wrong impression by the aid of explanatory notes. The basis of classification is as follows:

First Class

(Hour in this table is used to signify the number of lectures or recitation periods alloted to each subject).

A. Comprises universities announcing over 1200 hours.

B. Comprises colleges and universities announcing 700 to 1200 hours.

Second Class

A. Colleges announcing over 400 to 700 hours.

B. Colleges announcing over 200 to 400 hours.

Third Class

Colleges announcing less than 200 hours.

Fourth Class

Colleges announcing no courses.

Finally a list is appended of institutions which failed to respond to the inquiries of the committee. The table presented on this basis is as follows:

First Class: A, 6; B, 17.
Second Class: A, 37; B, 117.
Third Class, 224.

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Fourth Class, 111.
Offers work, hours not reported, 19.
Total reporting, 531.
No report, 99.

According to this classification it appears that out of the total 531 institutions only 187 give recognition in their curricula to political science to an extent that regards the subject as of sufficient interest and value to provide for a department of instruction. In practically all of the remaining institutions only a few courses are offered annually or none at all are included in the curriculum. While the institutions comprised in the first and second classes undoubtedly include a majority of the really strong and well endowed colleges and universities it is nevertheless true that the third and fourth classes contain many institutions of large size, reputable standing, and extensive resources in which the subject of government has been wholly neglected or has received inadequate attention. The committee gave particular emphasis to this neglect in its annual report a year ago. It needs only to be added now that reports from a larger number of institutions show a greater deficiency in this regard than was then noted and serve to support the judgment that far too few of our higher institutions have recognized the high responsibilities of training either for citizenship or for the public service.

RECOMMENDATIONS FOR THE IMPROVEMENT OF THE TEACHING OF POLITICAL SCIENCE

The committee presented at the annual meeting in December, 1913, a few proposals in the way of suggestions toward improvement which were offered in order to aid in the formulation of recommendations to be embodied in a final report. These recommendations were submitted to representatives interested in the teaching of political science with a request for criticisms and suggestions. In the many replies received it is gratifying to report that the recommendations are, as a rule, heartily endorsed. Criticisms were made in a few cases on the basis of which the committee suggests certain revisions and modifications in the proposals submitted a year ago.

It is well to emphasize at this time that the committee has aimed in all of its conclusions to gather and formulate the consensus of opinion among those who are vitally interested in the progressive improvement of political science instruction. Every effort has been made through questionnaires, correspondence and every available avenue of infor-

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mation to gauge correctly and present the mature judgment of those qualified to speak from experience. It is inevitable that any small group such as a committee will view matters from an angle which from other viewpoints may receive different interpretations. But no pains have been spared to eliminate personal views and predilections and to present in such conclusions as are offered the clearly formulated opinion of representative groups of instructors.

In line with its efforts in this direction the committee submits some modifications proposed relative to the tentative recommendations of a year ago. Taking the recommendations in turn:

1. That for the purpose of its report the committee considers the following courses as comprising in the main, the scope of political science.

In the list of subjects offered December, 1913, no effort was made to organize the courses on any particular principle of classification. Some criticisms were received on account of this failure of classification. To meet these criticisms and in order to facilitate the systematization of courses in the subject, the following rearrangement is proposed:

A. Descriptive and historical

1. American government:
   a. National;
   b. State and local;
   c. Municipal.
2. Comparative government.
3. Party government.
4. Colonial government.
5. Diplomacy.

B. Theoretical

1. Political Science (introductory course).
2. Political theories and history of political literature.

C. Legal

1. Constitutional law.
2. Commercial law.
3. Elements of law and jurisprudence.
4. Roman law.
5. International law.

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D. Special Courses

1. Legislation and legislative procedure.
2. Public administration and administrative methods.
3. Judicial administration; the organization and functions of courts of justice.[2]

2. That courses in political science be separated from courses in history, economics, and sociology and that colleges aim to have at least one instructor giving full time and attention to this department of instruction.

The committee desires to reaffirm this recommendation and to urge again the necessity of establishing a separate department of political science. It is a pleasure to report that a marked tendency in this direction is noticeable among the larger colleges and universities and it is to be hoped that the time is not far distant when political science will have a recognized place and a reputable standing along side of older inhabitants of the college curriculum.

There is a justifiable revolt against the seemingly endless growth of departments and the sometimes unwarranted tendency to add highly technical and advanced courses in a department. But if there are any good reasons for not according an independent status to courses in government and law these reasons have not been forthcoming. That those whose business it is to teach political science almost invariably favor the expansion of their departments is only to be expected. The encouraging thing is that men of affairs in business and government, as well as many in other avenues of life, join with the specialists in political science in urging upon administrative authorities the necessity of more and better courses in government.

Fortunately the time has passed when the devotees of this branch of learning must beg for scant courtesies at the hands of those who guard the avenues of intellectual advance. The one-time reputable study of politics as in the days of Aristotle has come to its own. And the liberalizing culture of the study of political literature and public affairs as well as the service rendered by departments of government, have not only restored the science of politics to its former

[2] In the preparation of this table the committee is especially indebted to Professors Shaper of the University of Minnesota, and Freund of Chicago for important suggestions. This arrangement is offered as a beginning toward standard and systematic classification of courses in political science. Recommendations will be greatly valued by the committee.

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place but have also called forth new avenues of growth, new fields of endeavor. A prestige which will not long be unnoticed in any school of learning which values its function as an educative force in a democracy bids fair to place the study of government on a firm footing as an indispensable feature of every college curriculum.

3. That a full year's course in American government be given as the basic course for undergraduates.

A summary of attendance in courses in 150 institutions shows that American government is far in the lead as a basis for advanced work in the department. Comparative government, introductory courses in political science and international law are the only subjects which serve to introduce students to subsequent work. But the three of these as offered in introductory courses are not selected in as many institutions as American government and are given to a considerably smaller number of students. It may be taken therefore as rather clearly determined that American government shall be the basic course. This course is usually elective and is open only to students of sophomore standing.

A matter which is receiving some attention in various quarters is whether this or another course in government ought not to be open to freshmen. While a few schools have admitted freshmen to the course and while there are some strong reasons in favor of this move the prevailing sentiment for the present, at least, favors the requirement of a year's work in college. The acquirement of a certain facility in college methods of study and a slight maturity of judgment which comes with an additional year's development are requisites for anything like effective work in dealing with the underlying principles and issues of American government.

The present standard of instruction could of course be changed so as to adapt the material and methods to meet the needs of the freshman state of mind. But in view of the fact that most of the large high schools are now giving a half year or a year to this subject on somewhat the same plan as would be necessary in a first year college course it seems better from the standpoint of the student as well as the department to defer the introductory course until the second collegiate year. In States where but few students have an opportunity to pursue the study of civics in high schools there is more cogency to the argument in favor of a freshman course.

When political science instruction begins in the sophomore year

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the question arises whether any course shall be made a prerequisite for the election of the subject or whether a certain number of credits alone shall be sufficient. The general rule does not favor any prerequisite. Some institutions however require the selection of a course in history whereas others strongly advise the taking of a preliminary course in this subject. A few schools are offering to freshmen with a fair degree of success an introductory course to the Social Sciences—a kind of gateway course to economics, sociology and political science. No satisfactory text or handbook for this type of course has yet been prepared. In fact it is doubtful whether such a text is within the limits of practicability on account of the diversity of fields and the difficulty of condensing the underlying principles of any one of the above subjects. For the present such a course depends too much upon the individual predilections of the instructor and is likely to comprehend an effervescence of principles which fails to meet the approval of any of the three departments concerned.

The most noteworthy objection to the present arrangement and one that has some urgent and influential advocates is that only a small percentage of the student body can elect this course under the conditions which prevail in the selection of subjects and that the majority of those who do choose the course never have an opportunity to continue the study of government. Consequently it follows that of the small percentage of those who strive to gain some knowledge of governmental affairs only a very minor portion ever go far enough to get any knowledge of foreign governments. Hence the present system is designed to foster an inordinate provincialism which has been one of the banes of our national life. If the citizen-to-be has an opportunity to take but one year's work in government it is still a very pertinent question whether this one course ought not to be partly comparative government or whether the study of American government ought not to be broadened by constant comparisons with European political systems. The committee is informed that the latter type of course is being given in several institutions and it may be that a kind of course will soon be developed which will meet this objection. At least the experiment is awaited with interest. In the meantime, other ways must be devised for attracting to the study of government a greater percentage of students and for bringing the ways and methods of the operation of foreign governments to a larger number of those entering this field of study.

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4. That the scope of comparative government be enlarged to include a study of the self-governing colonies, South American republics and important Asiatic nations.

To the comments on this proposal little need be added except to reiterate the observation that the scope of the ordinary course in comparative government should not be expanded to cover the above mentioned countries. The recommendation of the committee was evidently misunderstood on this point and naturally called forth some pertinent criticisms. The suggestion was offered rather in the direction of separate courses which might be given in alternate years and might introduce matters of even greater interest and value than much that now passes under the designation comparative government. Comparative government as usually taught following closely the texts now in use comprises many details and minute matters of fact which may give good exercise to the memory but which can have little if any relative value for the purposes of pertinent and useful comparisons with American political practices. On account of these unnecessary facts other matters from which direct and effective comparisons may be made are ruled out or receive mere passing notice. To meet this difficulty some instructors treat comparative government not by separate countries but only in connection with a consideration of such topics as the parliamentary system, civil service, administrative methods and judicial control over legislation.

There does not seem to be any good and sufficient reason why the constitutions of Switzerland, Germany and Norway should be comprised in this field and the constitutions of Canada and Australia omitted. Nor does it appear altogether reasonable that political affairs in Spain and Portugal should be urged as a necessary part of the knowledge of comparative institutions and that the governments of Brazil, Argentina and Chili should continue beyond the ken of the mental horizon of the specialist in politics.

The introduction of courses in Federal Government including a comparison of the constitutions of Canada, Australia, South Africa, Switzerland, Germany and the United States and the inclusion of the self governing colonies in a study of the English parliamentary system is rapidly meeting the situation to which one phase of this recommendation referred. Similarly courses in Latin-American institutions and world politics are partially at least filling the void in the study of political affairs which a limited range of view had too long kept from careful consideration.

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5. That an effort be made to redistribute the emphasis in courses in government so as to give less attention proportionately to governmental structure and legislation and to devote more time and emphasis to administrative methods and law enforcement.

One of the points of controversy in the making of schedules of courses in political science is to determine the relative amount of time and emphasis to be given to constitutional and political history, to the legal framework and organization of government and to the study of government as a functioning organ. Answers to an inquiry submitted to instructors, although almost invariably based upon rough estimates, indicated that almost twice as much time is given to the structure of government as to constitutional history, and that as a rule the study of functions or "physiology of politics" receives more attention than legal framework and constitutional history combined.

There is evidently a marked tendency in both colleges and universities to shift the emphasis from constitutional history (this subject being left frequently to the department of history or dropped entirely) and governmental organization to the analysis and consideration of government in operation.

The following comments are typical:

Beloit: Greatest stress on functions, much effort made to show real vital activities of the present and how they rather than constitutional framework disclose real government.

Columbia University: Within the past few years there has been a very marked emphasis placed upon the actual workings of government as compared with constitutional theory or constitutional history.

Grinnell College: We place the emphasis decidedly on governmental functions and activities. The historical side of our work receives the least consideration. Government as it is and as it promises to be is what we seek to understand.

Ohio State University: The tendency in successive rearrangements of courses is to lay more stress upon governmental functions and activities.

University of Michigan: While I cannot give divisions of time, I stress functions and activities rather than framework, though the latter is absolutely necessary to an understanding of the former, i.e., a knowledge of anatomy should precede that of physiology or pathology.

University of Wisconsin: In all advanced courses a knowledge of constitutional and institutional history and development is assumed, and the functions, activities and forces are discussed. In the more

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elementary courses the emphasis is on constitutional history and strongly on legal framework of government.

Among all of the replies only two instructors favor greater emphasis on theory than is now given. But protests are beginning to arise that the well marked tendency to replace the study of foreign governments and political theory with a minute study of government in operation, and with an analysis of all the details of local government will tend to develop provincialism to the extreme and will leave the individual enmeshed in a mass of petty facts without chart or guide to indicate a path through the endless changes of an ephemeral political society. Instructors, it is maintained, may well stop to think whether the pendulum is not about to swing too far in the direction of glorifying petty details and neglecting, if not forgetting, the principles and foundations on which governments may endure and prosper. These principles are indeed difficult, if not well nigh impossible, to discover, but there are those who think that the quest is more worthy of attention than is the search for the latest minimum wage law or for proposed regulations of dance halls.

Moreover, protests are beginning to arise from other quarters and the query is beginning to be raised whether the time has not come to question seriously the advisability of stressing in the introductory work in political science —theories of government, law and the State which remain as a heritage of the past and against which leading lawyers and jurists are waging a relentless warfare. Too much of political science in the United States like a great share of our legal thinking has been based upon the logical but narrow and impractical political doctrines of Austin. It is unfortunate that many who begin the study of politics are lead in the way of the formal studies of the Austinian school of jurisprudence and fail to profit by the contributions made by the philosophical jurists as well as by the more practical views of the schools of sociological jurisprudence. The translation of the Modern Legal Philosophy series under the auspices of a committee of the Association of American Law Schools will render available some of the much neglected literature in this field. A study of political and legal theories would indeed be more profitable and more worthy of retention in the curriculum if it did not stop with Montesquieu and neglect the more vital movements in continental legal thought. Such a study would as a rule be more useful to the student and would furnish a better justification for the time devoted to introductory studies in government.

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Finally the committee desires to reiterate its judgment of a year ago relative to the urgent need of more attention to administrative methods and law enforcement. Not only is there a deplorable lack of advanced courses on such extremely important subjects as are comprehended in administrative rules and practices and on the organization and functions of courts of justice but there is also no elementary text which gives anything like adequate treatment of these matters and many neglect them entirely with the exception of a mere outline of the organization of courts. We can expect a continuance of bungling and ineffective results in the enforcement of law as long as this subject is not made a matter of scientific study by those who administer public affairs as well as those who are concerned therewith. Colleges and universities should at least aim to stress in regular courses and aim to aid more largely than is now the case in gathering data for judicial and administrative reorganization.

6. That instructors in political science encourage students to prepare reports and surveys on actual political conditions.

One of the general charges brought against teachers is the failure to relate the instruction given to the conditions and environment of the students. According to this charge it is the purpose of education to give an interpretation of everything in the realm of nature and thought except the commonplace affairs to be found in the very midst of the school, the home and the community in which the children live. To a certain extent this charge is true as applied to instruction in government. The governments of Europe—the national government and perchance a slight glance at state government have virtually crowded out the study of local police courts, the town hall and county affairs and the myriad problems of local and municipal government. While the botanist, geologist, biologist and chemist have begun to make use of nature's marvelous environment with which each community is endowed the teachers of government have been exceedingly slow to appreciate the priceless heritage of social and political institutions in which each individual is enshrouded. The emphasis on community civics in the schools has begun to introduce a change in perspective and has tended to make the elementary study of government concrete and vital. Legislative and municipal reference libraries and bureaus of research have paved the way for an exceedingly fruitful field for the colleges and universities. A few instructors have appreciated the possibilities of putting students to useful endeavor and at the same time giving them exceedingly valuable training. The

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opportunity of turning to advantage some of the hitherto wasted efforts has possibilities which can be only vaguely conceived.

Of course this kind of thing can readily be overdone and the work of the class-room can be easily cheapened by too frequent sociological excursions and holidays. Practical work needs to be specially guarded, sparingly used, and credit should be given under rigorous conditions only which meet the standard requirements of scientific accuracy, completeness and thoroughness. Under such conditions work of this character may be made a valuable supplement and inspiration and may be so directed as to turn to the profit of the community.

It must always be remembered also that investigations and reports of this type although valuable as supplementary exercises cannot replace and certainly ought never to be permitted to diminish the study of foreign governments which alone can overcome inordinate provincialism and give that perspective from which local institutions can be reasonably surveyed and appreciated. The suggestion is not proposed in order to minimize or reduce the present attention given to comparative government or the study of foreign affairs but rather to call attention to a prime method by which a study of our own institutions may be made vitally interesting and socially useful.

7. That departments of political science furnish aid and be in readiness, in equipment and spirit, to render advice to government officials not only in the making and enforcing of laws but also in extending assistance in whatever special fields the instructors in the department are competently equipped.

This recommendation comes directly within the scope of the committee on practical training for public service. For a thorough report on the present status of practical training and for a constructive program in the way of improvement consult the report and publications of this committee.[3]

SUGGESTIONS FOR IMPROVEMENT OF INSTRUCTION IN POLITICAL SCIENCE

In one of the questionnaires distributed by the committee instructors were asked to give suggestions as to ways and methods by which instruction in government might be improved. Among the suggestions offered were the following:

[3] A preliminary report of the committee is to be found in *Proceedings*, pp. 301–356. For further information write Charles McCarthy, Chairman, Madison, Wisconsin.

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1. That there be a preliminary course as an introduction to economics, political science and sociology.

2. That the POLITICAL SCIENCE REVIEW be made more definitely a medium of information to keep teachers abreast of important changes in the realm of politics.

3. That a full year be given to the study of American government.

4. That departments establish research bureaus and aim to keep in touch with government in actual operation in townships, cities, counties, State and nation, and that students be trained to study definite problems.

5. That more frequent use be made of newspapers and periodicals for illustrations of the dynamics of government.

6. That texts be prepared which give more emphasis to functions and statistics and deal more fully with state and local government. Good outlines should also be prepared with suggestions for gathering and using concrete material, and for doing observational and practical work.

8. That laboratory work and the assignment of practical problems for student reports should be more largely used by all instructors in political science.

9. That an inquiry be made regarding the educational training, teaching experience and salaries of instructors in political science; an inquiry as to the number of hours they teach other subjects, amount of detail work, grading papers, committee work, etc.; also library appropriations for purchase of books and documents.

10. That better provisions be made for the training of teachers in this subject.

11. That college teaching gives too much emphasis to functions of government before giving adequate knowledge of framework.

12. That much time is wasted in giving highly attenuated theoretical and speculative courses.

13. That much could be gained by standardizing many of the courses and grading them as elementary, advanced and graduate in character. The association should prepare a program of study and text writers should conform to this program instead of allowing the scope and arrangement of courses to be largely determined by the most popular text writers.

14. That civics in secondary schools should be placed on a better basis and broadened so as to include economics and social science.

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SOME ADDITIONAL DATA ON COLLEGE INSTRUCTION RELATIVE TO ATTENDANCE, TEXTBOOKS, AND METHODS OF INSTRUCTION

Attendance in courses

Institutions reporting, 150[4]

Subject	*Institutions*	*Total enrollment*	*Average*
American government	120	6107	51—
Comparative government	67	2750	41
General political science	45	992	22
International law	55	1422	26—
Jurisprudence	22	753	34
Constitutional law	29	1091	38—
Commercial law	9	620	69
Political theories	11	156	14
Municipal government	38	1163	31—
Party government	15	473	31
State government	3	170	57
		15,697	

Judging by the large number of institutions reporting and the high average of the classes it appears that American government is growing in favor as the basic elementary course in the department. Comparative government shares with American government in favor as an elementary course although less than one-third as many students in a few more than half the number of institutions are reported. The small colleges frequently give an elementary course in political theory. This accounts chiefly for the total of 992 students enrolled in 45 institutions in the subject designated as general political science. Courses in political theory are not as popular with instructors or with students as formerly. When political science was first introduced into the college curriculum the work was almost always begun with a course in political theory. Now the tendency is to give instead practical courses in American government, comparative government, municipal government, etc. But in most of these courses some attention is paid to political theory. Advanced courses in political theory are given as a rule in the universities to small groups of graduate and undergraduate students. Jurisprudence, constitutional law and commercial law are offered chiefly in the universities and usually to large classes.

A subject gaining in popularity and interest is that of municipal government now offered in many colleges and reaching more than

[4] The majority of schools which submitted reports on attendance were large universities or old and well-endowed colleges.

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1000 students in 38 institutions. The growing emphasis upon the study of functions and government in operation will no doubt aid in giving greater prominence to this course. International law ranks third as to number of institutions offering the subject but the total of 1422 students enrolled in 55 schools indicates that with but few exceptions the subject is given to comparatively small classes. The course is offered frequently in alternate years and is as a rule elective with the result that "a relatively small percentage of the students actually elect International Law as a subject of study."[5] According to the report of the Carnegie Endowment for International Peace in 144 institutions in which international law was taught in 1911–12 only 3646 students were enrolled or only $\frac{3}{8}$ per cent of the students which were enrolled in those institutions.[6] Judging by the small number enrolled it is a question whether the large total of hours now given to the subject is warranted, and institutions may well be on their guard when outside agencies with large endowments are bringing heavy pressure to add many more courses in the field of international relations.

The total enrollment in eleven subjects, 15,697 in undergraduate courses of 150 colleges and universities indicates that political science is appealing to large groups of students. This enrollment is particularly gratifying because of the fact that courses in the department are almost invariably elective, and as a rule, they are given only to advanced students. The subjects are usually offered in the sophomore, junior and senior years and frequently are open only to juniors and seniors. But there are many evidences to lead to the conclusion that these subjects have not been given the consideration due them. When institutions with several thousand students have from 10 to 20 enrolled in courses in political science, and these are public institutions supported largely by state funds, it leads to the inquiry whether something in the nature of a civic awakening in our educational institutions is not in order. Furthermore the schools reporting constitute a majority of those having strong and well planned courses in political science, and the results would be far less satisfactory if statistics were secured from all of the colleges. It is time that educators at least ask the question whether it is desirable

[5] Report on the teaching of international law in the educational institutions of the U. S., prepared by the Carnegie Endowment for International Peace, April 18, 1913, p. 6.

[6] Ibid., p. 29. This report should be consulted for an exhaustive report on the teaching of international law.

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that the great majority of college graduates leave their institutions without so much as completing a single course of study devoted to their own political institutions or those of foreign countries.

One of the most neglected phases of this subject in the colleges is the provision for the training of teachers of government. Except so far as all courses are incidentally designed to aid teachers the great majority of schools offer no work whatsoever in the way of preparation for teaching. The subject is included in the schedules of Summer Sessions and Extension Courses, and to a certain extent in departments of education, but is almost invariably combined with history, and as in other instances, civics suffers in the distribution of time remaining when the demands of history have been satisfied. The frequency of the reply that no courses are specially designed for prospective teachers would seem to indicate that the imputation freely brought by educators that college teachers are not interested in instruction is true to an extent that is, to say the least, deplorable.

Textbooks

Courses in political science have been made possible in small institutions and have been improved in large institutions by the recent appearance of good textbooks. An inquiry relative to texts used brought the following results. For American government, Beard's *American Government and Politics* with *Readings;* Bryce's *American Commonwealth;* Hart's *Actual Government* and Ashley's *Federal State* are the volumes on which the courses are usually based. In most cases Professor Beard's books are used and the other authorities are included in the list of supplementary readings. Courses in comparative government are based upon Ogg's *Governments of Europe;* Wilson's *The State;* Lowell's *Government and Parties in Continental Europe* and *Government of England;* Burgess's *Political Science and Constitutional Law* and Bluntschli's *Theory of the State.* Among the works used as texts in introductory courses in political science are Garner's *Introduction to Political Science;* Gettell's *Introduction to Political Science and Readings;* Leacock's *Elements of Political Science* and Dealey's *The State.* Instructors offering international law follow Lawrence, Wilson and Tucker, Hershey, Davis or Hall. The volumes by Munro —*The Government of European Cities* and *The Government of American Cities* and Goodnow's work on *Municipal Government* are chiefly used in courses in this subject. For the history of political theories the

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volumes followed are Dunning's *Political Theories* and Merriam's *American Political Theories*. Where texts are indicated for courses in jurisprudence, Holland's *Jurisprudence* is mentioned and for constitutional law McClain's *Cases on Constitutional Law* is frequently used.

Very few courses are given in the small colleges which are not based primarily on texts and the consensus of opinion among instructors is that this is the best method of conducting classes. As a rule the course in political science consists of a close study of one or two texts with some library work and class discussion upon the basis of reports from library reading. In a few institutions the texts are of high school grade but for the most part they are standard college texts. One result of the reliance on text books is inadequate attention to local government since the texts deal very briefly with this field and the average instructor has very little time or inclination to develop a course without a text. The case book system is employed in the courses in public and business law. In all the advanced courses the students are obliged to carry on independent work under the supervision of a particular instructor. The seminar has been found most successful in developing a keen interest among seniors and graduate students in many of the problems of politics.

The lines on which more adequate and thorough guides should be prepared are courses in state and local government and courses in European governments dealing with the operation of government rather than the history of political institutions. A majority of works now in use covering European institutions give most attention to political and constitutional history with the result that the analysis of present day political customs and practices necessarily suffers. Moreover texts almost invariably slight the administrative phase of government and the judicial department. In these as well as in other lines there will remain gaps which for many instructors cannot be filled until better texts or practical guides are prepared.

For courses in elements of law or jurisprudence there is no good text adapted for use in college classes. There are those who question the advisability of attempting to teach this subject to college students and it certainly is open to question whether much that passes as jurisprudence is not either beyond the comprehension of the undergraduate or is made up of material which more properly belongs to philosophy or ethics. The course in elements of law or jurisprudence is one of the problems of the college department of political science. Far too little emphasis is given in courses for undergraduates to the

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fact that government is a legal mechanism and very often no attempt is made to connect up the study of political affairs with legal foundations. It is quite clear that some work should be given by way of an introductory study to law. What should be the content of this course, how and to whom it should be taught are questions which are far from being satisfactorily answered.

Methods of Instruction

Methods of instruction naturally vary according to the size of the institution and the number in classes. In the elementary courses with large classes the following methods are typical of replies to the committee's inquiry:

Brown University: Lectures, readings assigned and papers.

Columbia University: Lectures, papers and readings.

Grinnell College: Lecture and text book method combined with reports.

New York University: Informal lectures, recitations, discussions and papers.

Princeton University: Lectures, extensive readings and reports; conferences with small groups of students.

University of California: Lectures, papers and readings.

University of Nebraska: Lectures, recitations, papers and sectional conferences.

Williams College: Lecture, oral and written recitations, classroom discussions, readings on special topics.

In the colleges where classes are small and the work offered is more elementary it is customary to rely largely on text books and recitations with a limited amount of special readings and occasional class reports. Frequently the number of class hours allotted to such subjects as American government, comparative government and introductory political science are so few that it is quite impossible to do justice to a good text book, let alone to attempt extensive readings on the subject. One of the imperative needs for the improvement of instruction in these subjects is to increase the time allotment so that more thorough and intensive work can be done.

A large number of institutions are offering courses in current problems and political issues. As a part of these courses lectures are frequently given by men prominent in public life. Cornell University has recently established such a course with the prime purpose of training

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for citizenship. The lectures are given by practical men of affairs and are designed to create a vital interest in the duties and responsibilities of citizens. The course proved to be such a success that it is to be continued and placed on a permanent basis.

TYPES OF COURSES OFFERED IN DEPARTMENTS OF POLITICAL SCIENCE

Four different types of courses are comprised within the range of departments of political science. The first of these types to be developed and now offered in most institutions giving instruction in political science is of a descriptive character dealing with the organization and operation of American and European governments. These courses are based upon Wilson's *The State* amd Burgess's *Political Science and Constitutional Law*, and the more recent treatises on the governments of Europe or the texts describing American institutions. In some of these courses ancient and modern governments are considered first and then this preliminary work is made the basis for a study of the American system of government. The history of modern forms of government and their present organization from the constitutional point of view is the chief object of such courses. Second, there is a type of course which first presents the theory of the state (Allegemeine Staatslehre), which deals with the conception of the state, its basis, the form of its constitution, and sovereignty. In these courses the consideration of theories and political principles is followed by a comparative study of the departments of government, executive, legislative, judicial, and by an analysis of the ends and aims of the state. This course aims to present the philosophy and underlying principles of the state as well as to give some notion of the forms of organization. A third kind of course is one which is primarily confined to a study of functions rather than organization. This course, although involving comparative features, is more often frankly confined to a study of one branch of government or one system of government, and the matters of form and organization of public authority are subordinated to those of functional activities. All three of the above types of political science are presented in many colleges and universities.

A fourth type of course comprises the work offered in constitutional law, administrative law, international law, commercial law, Roman law, elements of law and jurisprudence. These courses mark the

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dividing line where the technical phases of law merge into the realm of public policy, ethics and custom and thus constitute a common vicinage in which the departments of law and political science are equally interested and involved. It is in this latter type of course that the question arises whether they should not be offered primarily as law courses to which advanced undergraduates might be admitted instead of being offered under departments of political science and admitting law students. Each arrangement has some distinct advantage in its favor, but there is no indication of any uniformity in practice with the result that the relation between departments of political science and departments of law is one of the difficult problems of university instruction in government and law.

In the course of its investigations and the discussions aroused by the efforts of the committee certain problems have arisen on which there should be a more thorough exchange of opinion among teachers of political science. Some of these problems should receive special attention by the Political Science Association and after due consideration a well defined policy should be formulated as a guide to instructors and college administrators. A list of queries arising from a few of these problems is presented herewith.

LIST OF QUERIES RELATIVE TO INSTRUCTION

A. Methods of making instruction practical

1. Should elementary courses give special emphasis to a study of political theories and principles of government or to a study of government in operation?
2. If instruction in elementary courses should be made practical and concrete, what methods would you suggest to accomplish this end?
3. To what extent and in what ways can students be brought into touch with the actual operation of government?
4. Under what conditions may credit be allowed for such practical work?
5. What courses in history, economics, sociology and political science would you suggest as best adapted in the way of preparation for advanced instruction along lines of training for public service?

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B. Relating to basic course

1. a. Is it advisable to offer a preliminary course as an introduction to the social sciences?

b. Will a thorough course in history serve as an adequate introduction to political science, economics and sociology?

c. Is it advisable to drop the courses in English and American constitutional history leaving these subjects to be treated in regular history courses?

d. Should courses in the department of political science be open to freshmen?

2. a. Should the basic course in political science be American government or comparative government or a combination of the two?

b. Is it advisable to give greater attention to American government in elementary courses, or should emphasis be given rather to the study of foreign governments?

c. Can foreign governments be adequately and effectively treated in brief elementary courses, covering many countries, so as to make a general course in this subject desirable?

d. Should contemporary and domestic forms of government be minimized in favor of the history of law and political institutions?

C. Relating to law and law courses

1. a. What should be the relation between departments of political science and departments of law in institutions with law schools?

b. Should Roman law and jurisprudence be offered in the law school rather than in the college department?

c. Is it advisable to offer courses in elements of law or jurisprudence to undergraduates?

2. a. Should administrative law and administrative methods be given more attention in elementary courses?

b. Is it necessary to omit judicial procedure from elementary courses because of the technical nature of the subject?

c. Is it advisable to offer commercial law in undergraduate departments of political science?

D. General

1. Should the course in general political science be abandoned in favor of courses in political theory, comparative government, etc.?

2. Is the term *Political Sciences* more accurate and desirable than the use of *Political Science* as at present?

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3. What would you suggest as the content for a standard elementary course?

4. What classification of courses in political science would you suggest for the purpose of maintaining unity, and of giving emphasis to fundamental principles?

The committee desires:

a. Comments, suggestions and criticisms of its preliminary recommendations.

b. Specific answers to the above queries by those who have definite convictions as a result of experience.

c. Constructive suggestions for the standardization of elementary courses in political science and for the improvement of instruction in the subject.[7]

Respectfully submitted for the committee by

CHARLES G. HAINES,
Chairman.

PRELIMINARY REPORT OF THE JOINT COMMITTEE ON ACADEMIC FREEDOM AND ACADEMIC TENURE

SUBMITTED IN BEHALF OF THE COMMITTEE BY E. R. A. SELIGMAN

At the December, 1913 meeting of the American Economic Association, the American Sociological Society, and the American Political Science Association, this identical resolution was adopted:

"*Resolved*, That a committee of three be constituted to examine and report on the present situation in American educational institutions as to liberty of thought, freedom of speech, and security of tenure for teachers of economics (sociology, or political science).

"That the committee be authorized to coöperate with any similar committee that may be constituted by other societies in the field of political and social science."

The three committees appointed in virtue of these resolutions subsequently decided to merge into a joint committee on academic freedom, of which Professor Seligman was elected chairman and Professor Lichtenberger secretary. The report herewith presented to each of the three associations is the report of this joint committee.

[7] The full report of the committee included a resume of the year's work and a brief statement relative to an investigation of secondary school instruction. Limitations of space required the omission of these portions of the annual report.

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Your committee has held several meetings at which the general problems were discussed and has investigated several cases of alleged infringements of academic freedom. As a result it became apparent that the subject bristled with complexities of such a character that your committee feels itself in a position at present to make only a preliminary report.

It is important at the outset to remove misapprehensions as to the function of the committee. This function, as we understand it, is not that of a merely protective organization or professional trade-union. It was for this very reason that it was made to include publicists and lawyers as well as professors. Its object, as understood by us, is to point out the public rather than the private importance of the problem and to emphasize the duties as well as the rights of all parties concerned.

The public relations of academic freedom, apart from the teachers involved, are fivefold; to science, to the student body, to the trustees, to the presidents, and to the community at large.

(1) The modern university is the chief home of science. The aim of science is to discover new truth, but every new truth means the disappearance of old error and frequently involves a shock to existing opinion. The shock may be unwelcome but unless there be the fullest freedom in scientific investigation and in the proclaiming of its results, there can be no progress.

(2) The student body in our institutions of learning possesses the right of having presented to it the latest results of scientific research, whether or not those results have as yet been firmly incorporated into the body of accepted truth.

(3) The trustees of such institutions are interested in the problem of academic freedom because with the possible conflict in their minds between the claims of the general principle and the immediate welfare of the institutions committed to their charge a clearer understanding of mutual rights and duties should be helpful.

(4) The presidents of our institutions of learning are sometimes in a difficult position because of their double capacity, representing both faculty and trustees. When there is an honest difference of opinion as to the extent and limits of academic freedom it is just as likely that the president may need support against the trustees as that he may act as their mouthpiece in opposition to the faculty.

(5) The community at large has a right to expect of its institutions of learning, whether maintained by public contributions or supported

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by private munificence, the best results of scientific achievement, unhampered by party bias or personal prejudice.

The difficulties of the problem referred to above involve current misunderstandings both as to the nature and limits of academic freedom and as to the fundamental theory of academic tenure of position.

Let us examine first the question of academic freedom or liberty of thought. This problem, it may be stated at the outset, does not exist in colleges under obligations to teach denominationalism, nor in institutions designed to spread specific doctrines of any kind. It is important, however, that such institutions should not be allowed to sail under false colors. Freedom of thought and the inculcation of a particular brand of thought are hopelessly irreconcilable.

If by liberty of thought is meant freedom of research, the necessity of its existence without any limits is so obvious as to be entirely indisputable. So slight, however, is the danger of its infringement in the American institutions of today that this aspect of academic freedom calls for no further discussion.

The situation is different when we come to the other phase of academic freedom, namely, freedom of speech or liberty of expressing in spoken or written word the results of scientific research. In past centuries the chief menace to freedom of this kind was theological; in recent times, with the advent of democracy in politics and industry, the danger zone has been shifted to economics, political, and social science.

The motive for infringing such freedom may be either private or public. In our privately endowed institutions it rarely if ever happens that an attempt is made to limit academic freedom because of threatened injury directly to the individual interests of the authorities. More common is the public or social motive, based on the desire of the authorities to prevent the spread of ideas or influences which are in their opinion harmful to true morals, sound politics, or the real social interests. In between these private and these social motives lies a large field where the motive asserted and believed by the authorities may be social in character and yet where in reality their own interests or that of their friends are implicated. In the political, economic, and social field almost every question, no matter how large and general it at first appears, is more or less affected with private or quasi-private interests; and as the governing body is naturally made up of men who through their standing and ability are personally interested in private enterprises, the points of possible conflict are num-

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berless. When to this is added the consideration that most of the benefactors as well as the parents who send their children to privately endowed institutions themselves belong to the more conservative class, it is apparent that a similar pressure may, however, unconsciously, sometimes be brought to bear upon the academic authorities.

On the other hand, in our state institutions the danger is the reverse. Where the university is dependent for funds upon legislative favor, it has not infrequently happened that the conduct of the institution has been affected by political considerations; and where there is a definite governmental policy or a strong public feeling on economic, social, or political questions, the menace to academic freedom may proceed from the expression of views that in the particular political situation are deemed ultraconservative rather than ultra-radical.

The real point of danger, hence, is not so much the particular shade of opinion as that it differs from the one entertained by the authorities. The problem resolves itself into one of departure from accepted standards; whether the departure is in the one direction or the other is immaterial.

In considering this problem six classes of difficulties present themselves. The first query is as to whether the identical rule ought to be applied to our colleges as to our universities. In a true university there may be a dozen instructors teaching various aspects of the same subject and ranging in their views over the entire gamut of opinion. The student has his choice and balances the idiosyncrasies of one scholar against those of another. In a small college, where there may be only a single instructor to cover the entire field, not only are the students apt to be much more easily influenced in their general point of view, but the reputation of the college itself is more likely to be affected by the opinions of any member of the faculty. There is, indeed, everywhere a danger line; but is the line not somewhat further removed in the one case than in the other?

Secondly, irrespective of the distinction between a college and a university, ought not different rules to be applied to graduate and undergraduate instruction, to teachers of immature, as compared with those of more advanced, students? Is it not true that the more youthful the class of students, the greater is the teacher's obligation to present scientific truths with discretion and with some regard to their character building? Should the rule of academic freedom in all its rigor not be limited to the instructor of the more mature and advanced students, whose character has largely been formed and who are in the proper

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attitude to receive truth for truth's sake? Is not much of the unclearness in the present situation due to the failure to distinguish between classes of instructors?

Thirdly, ought the same rule to apply to the specialist and to the non-specialist? Within the university this problem cannot arise, for the views of a biologist on the tariff or of a physicist on socialism would be of no interest to any of his students. But if the biologist should give a public address on some economic question or if the physicist should take part in a political campaign, ought interference with this to be considered as an infringement of academic freedom?

Fourthly, as to the instructor speaking on his own chosen topic, ought a distinction to be made between the opinions expressed within the class room or lecture hall and those expressed on the outside? The opinions of a scholar in a lecture room indeed ought to be considered privileged. Discussions in the class room are not supposed to be formal utterances for the public at large. They are often designed to provoke opposition or to arouse debate. There should be no room for sensational newspaper quotations from such remarks. In foreign countries it is a misdemeanor to publish or otherwise to quote a university lecturer without his consent. Ought not such a practice to be observed in this country?

The specialist may, however, speak on the subject outside of the class room, either with the students informally or in a scientific address or in a popular talk. He may, in the exercise of the ordinary duties of citizenship, take part in politics, and may even run for office or hold office.

To what extent and under what conditions ought this to be permitted? Does the possession of special opportunities of study and presumably of special knowledge on political, social, or economic questions constitute a reason why one *should* use his information to influence public opinion? Or does it make it desirable, on the contrary, that he should *not* voice his opinions? It may be claimed than an academic teacher who publicly takes a definite stand on a political or economic issue is thereby impairing his reputation for impartiality. Does this, however, not exaggerate the distinction between intramural and extramural utterances? If within the class room the scholar discusses a topic in a scientific way, presenting both sides of the question and then drawing his own conclusions, does the mere fact of his expressing these conclusions in public necessarily impair his reputation as a scientist? And has the community not the right to profit by the opinion of the expert, if he really is such?

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Fifthly, to what extent should a scholar be expected to make concessions to public sentiment? That there are limits is obvious. A teacher in a southern university might have private views as to the general philosophy of social equality between the white and the colored races; but would he not be injudicious, to say the least, publicly to oppose the overwhelming general sentiment? A sociologist might come to the conclusion that trial marriages were desirable. But could an objection to the public expression of such views properly be called an infringement of academic freedom? Even though experience shows that there is no man or set of men so capable as to be able to decide what academic teachings shall be suppressed as contrary to good morals, can we claim for the academic teacher a consideration which will entirely relieve him from the consequences applicable to all others when they advance opinions for which the popular mind is not prepared and which are at variance with the recognized fundamental standards?

Sixthly, is not the crux of the situation often to be found less in the statement of any particular opinion than in the method of its expression? If the academic teacher takes part in any discussion where public opinion is sharply divided or hostile, is it not incumbent on him sedulously to refrain from extreme or intemperate statement? Can freedom of speech be permitted to cover self-exploitation or mere desire for notoriety? And if a university teacher differs so widely in method of expression from his fellow scientists as to forfeit their confidence in his scholarship and poise of judgment, can he continue to invoke in his behalf the plea of academic freedom?

It is clear, therefore, there are no rights without duties and that the duties of teacher and of authorities are reciprocal. The duty of the academic authorities is to refrain from confounding their own predilections with what they imagine to be public policy; the duty of the professor is to remember that he is acting not merely as an individual but as the representative of science.

Various kinds of pressure upon a teacher may be exerted to limit his academic freedom, but it is only the most severe and therefore the most unusual that ever come to public notice, namely, dismissal. Milder disciplinary measures are: warning, transfer to other work, denial of promotion or of increase of salary. The difficulty of ascertaining the existence of such measures is almost insurmountable, inasmuch as other reasons may almost always be assigned by the authorities, such as lack of ability, tactlessness, general incompatibility, etc. If, how-

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ever, we confine our attention to dismissal we are brought face to face with the most fundamental point in the problem. What is or what should be the nature of the employment and tenure of a college or university teacher?

On the one hand the view is more or less frankly expressed or implied by the authorities that academic teaching is a purely private employment, resting on a contract between the employing authority and the teacher. The same authority may dismiss the employee at any time, for any cause, or for no assigned cause whatever; and the contract itself is terminable at the pleasure of the trustees. On the other hand, this is denounced as the "hired man" concept of the subject, destructive to the scientific spirit of the work, and to the dignity of the profession necessary to attract able scholars and teachers. Academic teaching, it is said, must be regarded as a quasi-public official employment in which the original appointment is made by the authorities who are bound to act not as private employers or from private motives but as public trustees. It is held that only in this way can there be made possible the development of the standards of disinterested scholarship or can there be created a body of scholars and teachers to perform for the community a necessary function which cannot otherwise be achieved. It is a distinctly different service from that of the judge, the lawyer, the journalist, or the ordinary corporation official. It implies a security of tenure, not as a personal privilege but as an expedient, farsighted public policy, which, so far as it is consistently followed, attracts high ability into a social service with small pecuniary reward.

Evidently the practice in most cases exemplifies neither ideal of employment, although it ranges from the one extreme to the other. In some of the smaller colleges the private-employment concept is nearly realized. In some of the larger universities the public-employment concept is closely approached. Almost everywhere there is great uncertainty of practice, reflecting great vagueness of conviction on the subject.

It is clear that the further we get away from the hired-man theory the more definite will be the replies to the queries which we desire here only to formulate. First, ought an academic teacher ever to be dismissed at all, or ought he to be virtually irremovable, as in the continental universities?

Second, ought a distinction to be drawn in this respect between a college and a university teacher, between an officer of high grade and

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one of low grade; between an officer of long standing and one of recent tenure?

Third, if such a distinction is permissible, ought an academic teacher of long standing ever to be dismissed without the payment of a pension?

Fourth, ought an academic teacher of any grade ever to be summarily dismissed by the authorities without hearing or trial?

Fifth, if there is to be a hearing or trial, ought this to be before the university authorities or before some tribunal representing the general interests of scholarship?

Sixth, ought an academic teacher ever to be dismissed without public declaration of the reasons therefor, and if not, ought the reasons alleged ever to be a mere pretext, even though the suppression of the real reason is in the supposed interest of the individual himself?

From the foregoing it is clear that there may be differences of opinion as to the ideals to be realized, as to the practicable means of attaining the ideal, and as to the limitations to be observed. Our preliminary investigation of actual cases has brought us to the tentative conclusion that mistakes have been made on both sides and that the chief difficulty arises from a failure of academic teachers as well as of academic authorities to observe the duties no less than the rights of their position. In order, therefore, to enable us to devote more study to the investigation, both in its general aspects and in the particular cases of alleged infringement of academic freedom, we recommend that this committee be continued with a view of making a final report at the next annual meeting.

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DECISIONS OF STATE COURTS ON POINTS OF PUBLIC LAW

Constitutional Construction and Operation. Gherna vs. State. (Arizona, Feb. 13, 1915. 146 Pac. 494.) A constitutional amendment forbidding, under specified penalty, the manufacture and sale of intoxicating liquor, is self-executing, although the amendment also contains a section to the effect that the legislature shall by appropriate legislation provide for the carrying into effect of the amendment.

The amendment forbids introduction of liquor into the State, but does not prohibit the possession or consumption of liquor. If under these circumstances the absolute prohibition of introduction into the State is not within the terms of the Webb-Kenyon act, that part of the amendment is separable and one prosecuted for selling cannot raise the point.

Equal Protection of the Laws. State vs. W. W. Robinson Co. (Washington, March 1, 1915. 146 Pac. 628.) Where an act regulating the sale of certain commodities makes an exception in favor of certain producers, which exception constitutes an invalid discrimination, the exception will not be read out of the act, but the act is invalid.

Police Power—Race Legislation. Carey vs. Atlanta. (Georgia, Feb. 12, 1915. 84 S.E. 456.) A municipal ordinance attempting to forbid colored persons to move into "white blocks," or white persons to move into "colored blocks," is unlawful and violates the due process clause of the constitution, since it destroys the right of the individual to acquire, enjoy or dispose of his property. The court points out that under the terms of the ordinance a situation might arise in which the objection of neighbors might render a lot unavailable for either white or colored occupation. The court cites State vs. Gurry, 121 Md. 534 and State vs. Darnell, 166 N.E. 300.

Vested Rights. Gherna vs. State. (Arizona, Feb. 13, 1915. 146 Pac. 494.) It is no objection to the validity of a prohibition amendment, that unexpired liquor licenses are thereby cancelled without compensation.

Internal Improvements—Afforestation. State ex. rel. Owen vs. Donald. (Wisconsin, Feb. 12, 1915. 151 N.W. 331.) The proposed amendment to the Wisconsin constitution (Art. 8, sec. 10) authorizing expenditures for acquiring, preserving and developing the water power and forests of the State, did not become part of the constitution, owing to fatal defects and irregularities in the course of the joint resolution through the legislature.

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A contract for the purchase of land with deferred payments creates an indebtedness within the meaning of the constitutional prohibition.

The forest reserve scheme provided for by the laws of 1911 constitutes a work of internal improvement to which the State may not be a party, although the State, as the owner of lands, may spend money in managing forests on such lands and may perhaps even add to such lands for the purpose of better utilizing those which it has.

Marshall, J., who writes the extremely verbose opinion of the court, covering forty pages of the *Northwestern Reporter*, puts a narrow construction upon the taxing power of the State under its constitution from which Winslow, C. J., dissents.

Justice Marshall also takes occasion to justify the position that defects in the passage of a resolution through the legislature may invalidate a proposed constitutional amendment, by the following observations on "technicalities."

"We think proper to remark as of public interest, that it is a mistake to suppose the judicial disapproval of a legislative effort to propose a constitutional amendment to the people, as in State, etc., vs. Marcus, supra, and here, is based on what is commonly termed in legal matters "technicalities." It is very far therefrom. Those who assume to teach on this subject should be very careful not to inculcate false notions in respect to such an important matter. To characterize the point that there has been a failure to do a thing which the people made a condition precedent to efficiency of the particular activity of amending the constitution, a technicality, shows want of appreciation of the very basic features of a constitutional system and, unwittingly, breeds disrespect for such a system, if not for law in general. The court does not accord any dignity to mere technical accuracy in respect to non-essentials, and none in any situation unless required by mandate of written law. But the court is in duty bound to decide upon what is technical or directory, and what is substantial and mandatory. What the people in creating our form of government made material, no one has a right to say is not or is technical, in the common acceptation of that term as being mere matter of form. The court cannot so invade the sovereign command unless its trusted instrumentalities violate are solemn obligations to which they are pledged by their oaths of office."

Municipal Powers. Jones vs. Portland. (Maine, Feb. 27, 1915. 93 Atlantic, 41.) A city may be authorized to establish and main-

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tain within its limits a wood, coal and fuel yard for selling at cost wood, coal and fuel to its inhabitants.

A similar decision had been rendered in 111 Maine 486; 90 Atl. 318.

Administrative Appeal. State vs. District Court. (Montana, Feb. 16, 1915. 146 Pac. 743.) An act requires that persons desiring to practice as registered nurses shall be examined by a state board of examiners, and allows an appeal from the decision of that board to the State Association of Graduated Nurses. This provision is sustained, although the State Association is a voluntary organization. If the rejection by the board is arbitrary, the applicant may, instead of appealing, resort to mandamus; but cannot by mandamus obtain a correction of the decision from which he has appealed; the courts can then only correct the action of the appellate body.

Claims against the State. Westinghouse r.c. Co. vs. Chambers. (California, Jan. 8, 1915. 145 Pac. 1025.) The provision of Sec. 366g Political Code, that where judgment is rendered against the state treasurer in an action brought against him for taxes illegally collected, the comptroller shall draw his warrant for the payment of such judgment, violates the Article 4, Sec. 34, of the constitution according to which appropriation bills shall not contain more than one item of appropriation for a single and certain purpose. This latter provision operates notwithstanding the constitution expressly permits actions to recover taxes illegally collected.

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BOOK REVIEWS

Introduction to the Study of the Law of the Constitution. By A. V. DICEY. Eighth edition. (New York: The Macmillan Company. 1915. Pp. cv, 577.)

After thirty years of continuous service, after having long been accepted as a standard work on the English constitution, it would be gratuitous and unnecessary to attempt a new estimate of Dr. Dicey's *Introduction to the Study of the Law of the Constitution.* What is of significance in the eighth edition is that it contains a new introduction—an introduction of ninety closely printed pages—which is so valuable that the edition containing it must soon displace the older editions for students who would keep themselves abreast of constitutional usages and developments in England.

In this introduction Dr. Dicey compares with interesting detail the English constitution, as it stood in 1884 when the first edition of his book was written, with the constitution as it stood in the year that witnessed the outbreak of the great war. At the time the first edition was finding its way into the hands of students, the working classes in England were not yet in possession of the parliamentary franchise. Only a beginning had been made with the reform of procedure of the House of Commons. The organization and machinery of political parties was neither so extensive nor so complete as it had become in 1914. The nationalists were a small and separate group in the House of Commons; but it was 1906 before the independent labor party and the trade union labor party had any considerable and distinct representation at Westminster. The power of the House of Lords in 1884 was as unimpaired as it was in the decade that followed the reform act of 1832. Nomination boroughs still existed. The cabinet was not nearly so powerful as it had become by 1914. The era of indifference towards colonial possessions was drawing to a close. Canada was the only dominion; but the new era in the history of the empire —the era that began in England with official and popular recognition of the fact that representative and responsible government in the larger oversea possessions had proved itself a success—had not fully opened.

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In surveying the effect of these changes Dr. Dicey restates the principle of parliamentary sovereignty as he presented it in the edition of 1885, and then indicates how the principle stands now that the parliament act of 1911—the lords' veto act—is law. His definition of parliamentary sovereignty is that parliament has "the right to make or unmake any law whatever; and further that no person or body is recognized by the law of England as having a right to override or set aside the legislation of parliament; and further than this right or power of parliament extends to every part of the king's dominions." "These doctrines," he adds, "appear in the first edition of this work; they have been repeated in each successive edition published up to the present day. Their truth has never been denied." Regarding the change in the doctrine due to the new and inferior position of the House of Lords, Dr. Dicey holds that sovereignty still resides in parliament; but that "the parliament act has greatly increased the share of sovereignty possessed by the House of Commons, and has greatly diminished the share thereof belonging to the House of Lords."

Nearly as important as the change in the position of the House of Lords is the altered position of parliament towards the oversea dominions—Canada, Australia, New Zealand, South Africa and Newfoundland. The imperial parliament claims today, as it did in 1884, absolute sovereignty throughout every part of the British empire. This claim extends to the dominions; but the omnipotence of parliament, though theoretically admitted, is today not applied in its full effect to the self-governing dominions. In stating the restrictions still applicable to the dominions, Dr. Dicey enumerates them in this order—parliament does not concede to any dominion or its legislature the right (1) to repeal any act of the imperial parliament applying to a dominion; (2) to make of its own authority a treaty with any foreign power; and (3) to stand neutral in the event of war between the king and any foreign power, or in general to receive any benefit from a foreign power which is not offered by such power to the whole of the British empire.

Dr. Dicey's note of the second of these restrictions, however, seems to overlook the fact that the dominions do make their own treaties of commerce, that these treaties, like the French-Canadian treaty of 1907, are negotiated by plenipotentiaries named by the dominion governments, furnished with credentials from the king-in-council. Moreover, Canada, under the treaty of 1907, enjoys advantages under the customs tariff of the republic of France that are not common to the other dominions.

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By 1884 England had conceded to the colonies that are now dominions the management of their own internal affairs. Between 1848 and 1884 this had come to include (1) an executive dependent upon a majority in the popularly-elected chamber; (2) the right to enact protective tariffs without regard to the interests of British manufacturers; and (3) the right to make their own coastwise navigation laws. English statesmen, as Dr. Dicey states, intended in 1884 to retain for the parliament at Westminster, and the imperial government, a real and effective control over the action of the ministry and the legislature of each self-governing colony in so far as that control was not palpably inconsistent with independence as regarded the management of strictly local affairs. But the first quarter of a century of the new era in the history of the empire was a period of constitutional as well as material development in the dominions; and in 1914, the imperial policy of England was to grant to every dominion absolute, unfettered, and complete local autonomy in so far as such perfect self-government by a dominion does not clearly interfere with the loyalty of a dominion to the empire.

Taking Canada as an example, the newer and larger freedom thus described, is exemplified by the restrictions the dominion has imposed on oriental immigration; by its immigration code, under which undesirables from England, Scotland and Ireland are excluded; and by the power the dominion enjoys of negotiating and completing its own commercial treaties and conventions. In these thirty years, 1884–1914, a better understanding and a new spirit have developed in the dominions and the United Kingdom. A new public opinion in the mother country and in the dominions has been created, and a new and closer relationship established, of which the expression today is the whole-hearted coöperation of the dominions with England in the war with Germany, Austria and Turkey. Imperialism is the term applied to this new spirit and new opinion. Dr. Dicey's readers will welcome, and most of them will gladly accept, his definition of imperialism. It is the idea—the conviction—that "the British empire is an institution well worth maintaining, and this not on mere grounds of sentiment, but for definite and assignable reasons." "Upon England and upon every country subject to the king of England," continues Dr. Dicey, in amplifying his definition, "the British empire confers at least two benefits: It secures permanent peace among the inhabitants of the largest of existing states; it again secures, or ought to secure, to the whole of this vast community absolute protection against foreign attack."

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Turning from imperial relations to developments within England itself from 1884 to 1914, Dr. Dicey notes and examines the reasons for the decline in reverence for law. He examines with some detail the tendency in legislation since 1906 to entrust judicial functions to civil servants who are neither lawyers nor judges; points out that much of the new work imposed by socialistic legislation on civil servants is business; and emphasizes a fact on which Judge Parry, an English county court judge, in his strikingly interesting book on *The Law and the Poor*,[1] lays much stress, that the courts are, in the nature of things, unsuited to the transaction of business. Judge Parry, who has had eighteen years' experience as a judge of the operation of the workmen's compensation act of 1896, regrets that the courts were ever brought into its working, for the act has been narrowed by judicial interpretations. These interpretations have created in the minds of the working classes a distrust of the judges, and helped towards the decline in reverence for rule of law, which is commented on by Dr. Dicey. Judge Parry insists that if England would recognize the law-making power of the judges, openly discuss it, and endeavor to define and limit it, "there would be less fear in the future of a rupture between the people and the judges when futurist laws of far-reaching social reform come to be administered by the courts." "The lamentable failure of consistent interpretation of the compensation acts," adds the author of *The Law and the Poor*, "is not calculated to raise the judiciary in the affections and respect of the working classes." Like Judge Parry, Dr. Dicey realizes that there is much business arising out of new legislation that need not go to the courts. The transaction of business, he maintains, is a very different thing from the giving of judgments; and he adds, "the more multifarious, therefore, become the affairs handed over to the management of civil servants, the greater will be the temptation, and often the necessity, of extending the discretionary powers given to officials, and thus preventing law courts from intervening in matters not suited for legal decision."

One of the valuable sections of the new introduction to the Law of the Constitution is that in which Dr. Dicey discusses the development since 1884 of new constitutional ideas. Political inventiveness, he insists, has in general fallen far short of the originality displayed in other fields than politics by citizens of progressive states; and in no part of English history, he recalls, was the tardy development of new

[1] *The Law and the Poor*, by Judge Parry, Smith Elder and Co. 1914.

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constitutional ideas more noteworthy than during the whole of the Victorian era. From 1837 to 1901 was an era which added little to the world's scanty store of political or constitutional ideas. The same remark, Dr. Dicey is convinced, applies in one sense to the years that have passed since the opening of the twentieth century; for woman suffrage, proportional representation, federalism and the referendum—the constitutional ideas he discusses in the introduction—are, he holds, for the most part not original. Their novelty consists in the new interest which during the last fourteen years they have come to command. Of most interest in this discussion is Dr. Dicey's statement of the case for and against federalism. New schemes for bringing the empire into closer and more intimate relations will assuredly be put forward and strongly pressed at the end of the war. The advocates of federalism as a solution of the problems that will then confront the empire will find no support for their theories in Dr. Dicey's detailed discussion of its possibilities and limitations as applicable to Great Britain and the oversea dominions. E. P.

Intervention and Colonization in Africa. By NORMAN DWIGHT HARRIS, with an introduction by James T. Shotwell. (Boston: Houghton Mifflin Company. 1914. Pp. xviii, 384.)

The close of the 19th century witnessed a remarkable revival of the spirit of imperialism. The foreign policies of the chief European states again took on the form of colonial rivalries and aggrandizement. In his recent work on *Intervention and Colonization in Africa*, Professor Harris has given us a most interesting description of one phase and perhaps the most important one, of this world-wide movement. The author has been singularly successful in bringing out the complex elements which have entered into the wild scramble for the partition of the unclaimed territories of that vast continent. The history of this movement is indeed a remarkable record of diplomatic intrigues, heroic explorations and administrative achievements and failures.

Professor Harris is able to enter into the spirit of this struggle with the greater zest as he is himself a thorough-going imperialist. He assumes the legitimacy of colonization almost without question. He is much more interested in the rivalries of the European powers than in the efforts of the native races to preserve their own soil and independence. He is, however, a benevolent imperialist. Although tempted at times to judge of the success of a colony too much from the

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standpoint of its economic progress, he is not forgetful of the primary responsibility of the colonial authorities for the promotion of the moral and social well being of the natives.

The historical and geographical aspects of the subject likewise appeal to him far more strongly than do questions of practical administration. The author is at his best when dealing with the splendid achievements of the modern conquistadors. Only here and there do we find an attempt to deal with the serious problems of colonial government, such as questions of land policy, labor legislation, the relations of the races and the future of the black population. Such opinions as he does express as to the régimes of the respective colonies are marked by moderation and impartiality of statement. He has formed a favorable judgment of British and French administration especially in Northern Africa but is somewhat doubtful as to the success of the German and Belgian colonies. On one point only are his opinions open to serious question and that is in respect to the government of the chartered corporations, particularly the South African Company. It is very doubtful indeed, if the settlers of Rhodesia are as appreciative of the advantages of the company's rule as the author appears to be.

But the skilful handling of the narrative cannot conceal some of the manifest defects of the work. The subject is an intricate, complicated one; from its very nature it demands the most careful and comprehensive scholarship; and we cannot but feel that the author has turned out this study too hurriedly. He has been so much absorbed by the dramatic succession of events that he has not taken the time to fill in the more prosaic historical and sociological background of his subject. His analysis of the political and economic factors out of which the colonial movement arose is good as far as it goes, but is quite insufficient as a foundation for a study of world diplomacy. The treatment of the diplomatic phase of the subject is equally unsatisfactory. We get but an impressionistic sketch of the international drama. Professor Harris has made good use of the English parliamentary papers and to a less degree of the French official publications, but he has almost entirely neglected to consult the official documents of other countries. In the absence of these most important sources of information, he has been obliged to fall back upon the *London Times* and other secondary material. The result has almost necessarily been to give a somewhat partial and inconclusive presentation of some of the matters in controversy, particularly in regard to the Moroccan question.

But the most serious defect of the book is to be found in the lack

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of scientific accuracy. The author has gathered together a vast mass of valuable data, but he has failed to check up and assimilate all of his material. His knowledge of the course of English colonial history and government is particularly at fault. It is strange indeed that the author should have made the mistake of confusing the introduction of representative institutions into the colonies with the grant of responsible government. The chapter on the South African Union reveals a similar lack of familiarity with some of the leading facts of the constitutional history of that group of colonies, as, for example, in respect to the stormy administration of Sir Bartle Frere. The formation of the South African Union is certainly of sufficient importance to have merited something better than a hasty and superficial consideration. Yet the author has overlooked most of the literature upon the subject; he does not even refer to *The Government of South Africa*, or Walton's *The Inner History of the National Convention of South Africa*, to mention but two of the most important books dealing with the union.

These limitations and defects undoubtedly detract from the scientific value of the work, but they by no means destroy its inherent worth. The book was evidently prepared for the general public and it is admirably adapted to serve this general purpose. It furnishes us by all odds the most readable and illuminating account that we today possess of the opening up of the African continent. There was a popular demand for just such a work; and Professor Harris has abundantly satisfied that demand. In so far as the author has fallen short of producing a final and authoritative treatise he has failed because he has attempted too much in the compass of a single volume. But he has prepared the way for a more comprehensive treatment. The intricate details of European diplomacy and the problems of colonial administration can be worked out more carefully later. Meanwhile, we shall look forward with pleasant anticipation to the appearance of the promised complementary volume on European extension and competition in Asia.

C. S. ALLIN.

The Legislative Union of England and Scotland. By P. HUME BROWN. (Oxford: The Clarendon Press. 1914. Pp. xii, 208.)

Prof. Hume Brown, in his introductory chapter to *The Legislative Union of England and Scotland*, remarks on the ignorance of Scotsmen

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generally of one of the most fateful periods in their national life. There is good basis for this comment on the neglect of Scottish historians of the dynastic, constitutional, economic and ecclesiastical crises that developed with the beginning of the reign of Queen Anne. The comment might have been more inclusive; for it was 1903 before there was a history of the old parliament at Edinburgh, and of the union as it affected parliamentary representation; and it was 1905 before there was a history of the Scottish parliament written by a Scotsman. The first of these two books, written not in Scotland, but in New England, was concerned only with the Scottish parliament; with the ancient, remarkable, and beneficent institution the convention of royal burghs; and with the representation of Scotland in parliament at Westminster as it existed from 1708 to 1832. A hiatus in the history of the union has now been completely and admirably filled by Prof. Hume Brown; and it only remains for a Scottish historian to trace the influence—mostly beneficial—of the old Scottish parliament and of the convention of royal burghs on the political civilization of Scotland and on Scottish national life and character.

In his history Professor Brown confines himself to the union. Not a single aspect of the union has escaped his attention. The complicated condition of political parties in Scotland from the beginning of the reign of Queen Anne to the end of the Scottish parliament; the Jacobite movement; the forces that were at work in the Presbyterian, the Cameronian, the Episcopalian, and the Roman Catholic churches; conditions in the highlands; Scottish trade and the jealousies of Scottish traders of the advantages enjoyed by England, are all described with much clearness. Little attention is given to the debates on the treaty of union in parliament at Westminster. But the proceedings in the Scottish parliament preliminary to the naming of commissioners for the union; the deliberations of the commissioners at the Cockpit at Whitehall; and the debates on the treaty in the Scottish parliament, are set forth with interesting detail; and the story of each stage of the negotiations and of the difficulties of the statesmen at Westminster and at Edinburgh who were working for the union are told with freshness and glow.

These Ford lectures on the union were obviously a congenial task for Prof. Hume Brown. They enabled him to put into service much new material; and incidentally to pay deserved tribute to the statesmen of Scotland who carried the union; for Professor Brown is convinced, and with good reason, that students of the history of the union "cannot

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but be struck by the fact that there has seldom met in any national crisis a body of men more capable by talent, by accomplishment, and by experience, of grasping the import of the momentous question they had to determine." There was bribery to carry the union measures through the Scottish parliament—peerages, knighthoods, and pensions, and some bribes of ready money. But the history of the union of 1707 is not the squalid story of the union of Ireland and Great Britain of 1800; and considering the times, the methods by which the union of 1707 was accomplished could have left no rankling and embittered memories, such as were left by the union of Ireland and Great Britain.

Prof. Hume Brown gives singularly little attention to the parliament that disappeared in 1707. Its electorate and its unique organization are described in not more than a couple of pages. In view of the fact that when Scotland came into the union it had a much better political civilization than England—chiefly due to the parliament at Edinburgh, and the direct and continuous influence that the convention of royal burghs had exerted upon it in all domestic legislation, it is a little remarkable that a Scotsman writing at length on the union, offers no estimate of the work of the Scottish parliament—no eulogy of it in a history of the proceedings in Edinburgh and London that resulted in its disappearance and in the merging of the two legislative systems.

Alison, in an article published in 1834 in *Blackwood's Magazine*, showed in how many respects the political civilization of Scotland in 1707 was superior to that of England in the reign of Queen Anne. Alison's claim has never been questioned. It could not be disputed; and as recently as last year Judge Parry, in his book on *The Law and the Poor*, recalled that in Scotland justice had always been within easier reach of the poor than in England. Scotland also had better and much less expensive schools than England. It had a better municipal system than that of England. These advantages, and others that made for the good of the common people, Scotland owed partly to the fact that it was a country of poor people, but mostly to the parliament at Edinburgh, and to the extent to which parliament was influenced by the still existing convention of royal burghs. There are now two histories of the Scottish parliament and two or three histories of the union. The need today in Scottish historical work is a careful and detailed study of the influence of the Scottish parliament and the convention of royal burghs on Scottish political civilization, and on Scottish national character; and Alison's article in *Blackwood* of eighty years ago might well be taken as a starting point for such an undertaking.

EDWARD PORRITT.

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The Law and the Poor. By EDWARD ABBOTT PARRY. (New York: E. P. Dutton and Company. Pp. xxi, 316.)

Quite irrespective of legal text books, a large library could be got together of books written by English lawyers and judges. Most of them would be autobiographies telling of experiences at the bar, on the bench, or in the House of Commons, for successful English barristers regard a seat in the House of Commons as natural a step as becoming a K. C. and taking to a silk gown. *The Law and the Poor* is in neither of these two classes. It is neither a legal treatise, nor an autobiography, although it is based on Judge Parry's twenty years' experiences of county courts, plus some experience as honorary justice of the peace. It is one of the most readable and outspoken books ever written by an English judge. About the only book with which it can be compared is William Hutton's history of the old court of requests at Birmingham, with the philosophical analyses of the cases upon which Hutton and his fellow commissioners of the court of requests adjudicated. William Hutton wrote of the administration of justice at Birmingham in the last half of the eighteenth century; and his book—quite remarkable in its way—is now chiefly valuable for the insight it gives into the condition of the wage-earning classes in a large industrial center in the years when the factory system was superseding the home workshop. One hundred and ten years have elapsed since Hutton wrote. The history of law reform in this period is a long and interesting chapter, and on the whole an exhilarating one. But Judge Parry shows that much more reform in legal procedure is necessary before there can be equality before the law for rich and poor in England. The inequalities and hardships which Judge Parry reveals are those of the police court, the county court, and the divorce court. He lays special stress on the hardships resulting from imprisonment of the poor for debt, and on the prohibitive cost of carrying a divorce case to London; for in England only one court is empowered to grant divorce decrees. As a contribution to the social history of England in the twentieth century, Judge Parry's *The Law and the Poor*, is quite as valuable as Hutton's unique contribution to the history of the first thirty years of the factory era. It is essentially a book to be read as distinct from a treatise or a book of reference; and its style, its humor, and its democratic sympathies, are so impelling that it cannot fail to become one of the most widely read books which treat of English law and its administration no matter from what standpoint. It is a book that its author intended should be

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widely read. It was written in the first place for an English Sunday newspaper; and in book form it is dedicated "to the man in the street, in the pious hope that he will take up his job and do it."

Party Government in the United States of America. By WILLIAM MILLIGAN SLOANE. (New York: Harper and Brothers, 1914. Pp. xvii, 451.)

This volume consists in the main of the lectures delivered in Germany during the year 1912–1913, while the author was Roosevelt professor at the Universities of Berlin and Munich. They are now presented in revised form in English. One might well expect from a study bearing such a title a systematic analysis of the forces governing party action, the ends to be achieved, and the means for accomplishing those ends, i.e., a theory of party government. Professor Sloane, however, has not attempted this except incidentally to his main purpose which he sets forth as follows: "The work has been done primarily for students and teachers whose field is the development of American institutions; but likewise for serious readers desirous of understanding how our government has come to assume its present form." He indulges the hope that the book, "having met with success abroad, ... will prove of even higher value at home."

The treatment then is frankly historical; the bulk of the volume, Chapters iv to xxxiii, inclusive, is devoted to an account of the inception of the American party system and the various phases of its development, an account which emphasizes the fortunes of parties, rather than the changes in institutions, and follows generally the well trodden path of such narratives. Where he deviates from this course the author surprises us with such statements as that Jay "technically" would have become president had the deadlock in the election of 1800 continued until the following March 4th (p. 78); or that New York is a "state naturally Democratic" (p. 274); or that after the taking of the Philippines and Porto Rico "for fourteen years questions of foreign policy completely overshadowed domestic affairs" (p. 264). On this last point, however, he himself is not really sure, for when discussing the presidential and other campaigns after 1898 he finds the chief issues, except in 1900, to be domestic affairs (see pp. 272, 275–277, 287–289, 294, 298). The narrative of political development has the merit of being up to date; it includes comments on the Wilson administration down to the spring of 1914.

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Those who are looking for a philosophy of parties must pick it out piece-meal, a fragment here and a fragment there, as the author drops his opinion in the course of his history. They will thus find the author's belief to be, apparently, that parties in this country are fundamentally either loose constructionist or strict constructionist, i.e., that their views with respect to policies take their color from their views with respect to the interpretation of the constitution (pp. 191, 192 207, 212, 225, 286, etc.) This division is closely allied to another basis, i.e., the conflict between those who would extend the sphere of all governmental action and the strict individualists. A third influence forcing our party system into its present mold is, in the author's mind, a tendency for an aristocracy of wealth to ally itself with the proletariat against the middle class of our population (pp. 5, 16, 57, 86, etc.). Some students will doubtless be inclined to point out that nearly every party in our history has been at some time loose constructionist—judged either by the words of its platform or of its leaders, or by its actions when in office—and to regard this fact as sufficient to show the incompleteness of such a doctrine of fundamental and permanent party alignment. Likewise it may be noticed that the democratic party, while generally regarding itself as individualistic, has not hesitated to advocate government ownership of railways, merchant marine, and telephone and telegraph lines. As to a class basis for party division it seems to be true that more often the split is vertical, i.e., parts of each class are arrayed on opposite sides.

An explanation of the two-party system is found in the interesting proposition that when power resides "in the people and extends from them upward through the grades of their elected officers" there will generally be two parties only, and conversely, that when power descends from the top downward there will be surely more than two parties, three at least, the right, the left, and the center" (pp. 15, 16). Some will doubt that this explains the difference between French and English parties. It may be observed in passing that this view of parties probably accounts for the author's neglect of the importance of third party movements.

Political thinkers who find the real foundations of parties in the play of economic interests, in the conflicting demands of different industrial groups and geographical sections of a state, will inevitably be disappointed in such statements as these: "The initiated want power primarily; its use is secondary" (p. 88); or "American parties . . . . resemble no others in any substantive way, but are in-

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digenous to American soil" (p. 2). True the class struggle is recognized, but little is presented to show that parties are the weapons with which opposed interests or conflicting desires in the State combat each other for the control of the government in order to control the legal system which, under present conditions, is bound up with our economic system. To many students of contemporary history this struggle appears the same in the democratic countries of Europe as in America, and parties there seem fundamentally the same as here no matter how different some of their manifestations may be.

However, the development of a philosophy of parties is not the avowed purpose of the work, and in achieving most of the ends named in his preface Professor Sloane has succeeded admirably. This is especially true in those chapters at the end of the book dealing with the relation of the parties to the presidency, the congress, the judiciary, state and city government, and public defense. Here the power of the party in legislation and administration is analysed and explained with penetration and justice; and the influence of the party on the growth of nationalism, in the unification not only of the country but of our tripartite organization of government, is set forth lucidly and convincingly (pp. 320–324). In this connection the position of the president in the party system as well as in the government is noted as being the chief agency of nationalism. The author truly is to be thanked also for striking a new note in his consideration of American cities. We are familiar enough with the oft rung changes on Lord Bryce's famous criticism; it is refreshing to have some one find that the indictments against our cities are far from true, that many excellent results in municipal government may be enumerated, and that these results are attained against obstacles and hindrances unknown to the cities of Europe.

A few errors in statements of fact may be passed over. They do not constitute as serious a fault as a certain looseness of expression. For example, in the course of an argument to prove that no such things as "wage slavery," etc., exist in the United States, it is said: "Where there is absolute equality of opportunity the equality of political and civil rights ensues" (p. 328). This may be true but it seems to run counter to the entire argument, for apparently the author is trying to show that equality of opportunity follows equality of political and civil rights. Incidentally it may be noted that if there were equality of opportunity there would be no special need for equal political and civil rights. Perhaps only insufficient care in preparing

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manuscript for the publisher is here indicated. Taken with some other inconsistencies it seems to show failure on the part of the author to knit his work closely together. For example, he speaks on page 11 of the president's "unforseen and undesirable power" (due partly to his position as party leader), and later (p. 329) says "the presidency of today as molded by party government is inherently a finer office than at the outset," adding that "the assumption by idealists to the contrary does great harm." Again, the statement that "there can be no single guiding impulse in Congress, since in both Houses the party caucus has asserted its supremacy as to committees, program and formulation of bills" (p. 305) may be compared with this one: "To harmonize different elements and secure concerted action, the caucus performs the duty of a British premier" (p. 355).

VICTOR J. WEST.

The Individual Delinquent. By DR. WILLIAM HEALY. (Boston: Little, Brown and Company, 1915. Pp. 830.)

Five years of work made possible by Mrs. W. F. Dummer and by the judges of the Chicago Juvenile Court form the foundations of William Healy's book. He devotes 182 pages to his introduction, methods and treatment, and then gives his casuistic material (pp. 183–788) under the headings of heredity, factors in developmental conditions, physical conditions, stimulants and narcotics, environmental factors, deliberate criminalism and its mental habits, the meaning of mental conflicts and repressions, abnormal sexualism, epilepsy, mental defect, mental dullness on account of physical conditions, psychic constitutional inferiority, mental aberration and peculiarities, and forms of pathological tendencies to crime. A bibliography of nearly 400 titles and an account of the organization of the Juvenile Psychopathic Institute conclude the volume. One hundred and seventy-six cases are given in summary, with a very concise table summing up the principal items in each case. In many cases a fairly full case-record is supplemented by a statement of the results of a set of standard tests in part developed by Dr. Healy and his co-workers. In some of the cases an account of the disposal of the case and of the follow-up work is given.

The mass of material is fairly and squarely put before us, without undue telescoping, and with a very lucid disposition of the multiplicity of issues. The preface states that the book has "gradually

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assumed the scope of a text or reference book, the first on the subject." What are its merits and its results?

Dr. Healy's task is not a specially enviable one. He has to pave the way for detail study. On the practical side and on the research side exacting demands are apt to be made, far exceeding the present opportunities. Between the two extremes Dr. Healy is giving us a sensible survey, using chiefly the repeated offender, i.e., the individual most likely to have a personal bias or defect. Comparing the book with such studies as Tarnowsky's *Homicidal Women* or the general works on criminology, one is struck by the close touch with the actual world and a sanely optimistic, progressive, and constructive spirit. The range of problems is staggering. Yet many topics have received a fairly comprehensive treatment with reviews of and guidance into available literature. The style and general exposition are clear and the index very helpful.

With this survey, the ground is prepared for the more clearly monographic treatment of many issues which this book does not claim to settle. It may be that certain critics will feel dissatisfied not to find everywhere a ready-made decision as to what to do next. Healy has very wisely given more space to concrete cases and less to impossible attempts at advising everyone how to make unnecessary the reform of our judicial and penal methods or how to achieve the reforms needed. It is hoped that the book will be widely read and freely consulted; it will not fail to be a most valuable guide, philosopher, and friend to both the practical worker and to the investigator of detail.

Nobody can read this work without becoming convinced of the tremendous importance of giving the individual case the most careful study. It is not for us to judge whether the formal tests will make unnecessary the deeper psychodynamic analysis of each case. A reasonably good study of a reasonable number of cases is the first standard to aim at, and this is what Healy's book shows us how to achieve.

ADOLF MEYER.

The Dread of Responsibility. By ÉMILE FAGUET. Translated from the French by Emily James Putnam. (New York: G. P. Putnam Sons, 1914. Pp. xv, 221.)

M. Faguet is usually thought of as a literary critic, but in recent years he has contributed some very interesting studies to the literature

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of French politics. Among these are his *Problèmes Politiques, Le Cult de l'Incompétence and l'Horreur de Responsabilité,* in all of which he subjects the French democracy to a searching criticism. We are now offered a very satisfactory English translation of the last mentioned of these books. The thesis which the author maintains is that what seems to be a dread of responsibility permeates the whole public and private life of the French. It shows itself in their legal ideas and customs, in their professions, and in their political habits and customs. Judges do not decide their cases in accordance with equity, but according to law. This makes them mere clerks or registering machines, and relieves them from all moral responsibility for rendering justice. They have merely to declare the law, and it is therefore the law and not the judge that is responsible. He severely criticizes the present régime as one which places the judiciary under the domination of the executive power, the result of which is that the judges decide as they are directed by the government. The responsibility, therefore, is shifted from the judiciary to the government, at least in all cases in which the government is an interested party. Indeed, he says, judicial power no longer exists in France (70). This criticism is not justified. French judges serve for life and they are irremovable by the government. They are as independent as judges can be, and M. Faguet does not furnish the proof of their subserviency to the government. He also complains of the interference of deputies in judicial matters, but here again his criticism is mere assertion and there is no evidence offered to show that judges in any particular case have been influenced by deputies in reaching their decisions. His criticism of the French Judiciary has been successfully reputed by a writer in the *Revue Politique* et *Parlementaire* for May 1912. Much of the French procedure is open to criticism but the charges which M. Faguet makes concerning the subserviency of the judges to the government have no foundation.

What he says of the irresponsibility of the judiciary resulting from the jury system is more defensible, but that is inherent in the system of trial by jury, and it is to be found in all countries where the determination of the guilt of the accused rests with the jury rather than with the judge. It is, therefore, not peculiar to France.

Again he asserts that the political constitution of the French at the present time is founded on universal irresponsibility. Under the old régime there was a very real responsibility, that of the king, but the custom of the constitution of the Third Republic makes the president

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a cipher. In other words, there is no president (172). He has no duty but to do nothing and to say nothing. Responsibility is so divided, subdivided, and dispersed that no one can say of any man *is fecit*. The governing power is parliament, not the ministers, which is another way of saying that there is no responsibility.

However, M. Faguet's criticism of the French democracy is incisive and exceedingly interesting. Much of what he says in regard to the absence and apparent dread of responsibility both in the governmental organization and in the political and social customs of the French is true—and it is not peculiar to the French alone—but sometimes, notably in his criticism of the judiciary, his views are extreme and not founded on facts. J. W. GARNER.

The Passing of the Great Reform Bill. By J. R. M. BUTLER. (New York: Longmans, Green and Company, 1914. Pp. xiii, 454.)

The Genesis of Parliamentary Reform. By GEORGE STEAD VEITCH, with introduction by Ramsay Muir. (London: Constable and Company. Pp. xxxi, 397.)

Mr. Veitch's *The Genesis of Parliamentary Reform*, and Mr. Butler's *The Passing of the Great Reform Bill*, have a special interest for me—an interest greater than for most students of English history. It is an interest that can easily be explained; for in 1903 when my *Unreformed House of Commons* was published, I expressed the hope that it would be my fortune also to write the history of parliamentary reform. "At some future time," I then wrote, "I may write the history of the movement for parliamentary reform from the time of Queen Elizabeth to the acts of 1884–1885 extending the franchise in the counties and finally breaking up the old system under which knights of the shire were so long chosen to Westminster. Then I hope to trace the varying phases of the movement; how at one time it was sporadic, represented only by isolated movements for wider franchises in individual boroughs; how at other times, as during the Commonwealth, it was general; how it was aided by the American revolution; how partial success came in 1832; and how in later years the movement was revived and resulted in the reform acts of 1867 and 1884. The research for the history of the movement has already been done. At the outset it was my purpose to include in one work the

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history of the movement for reform and to bring the history down to 1884. But the wealth of material regarding the old systems of representation, and the desire to present an adequate history of the representation in Scotland and Ireland, and of the unions of 1707 and 1800, so far as representation is concerned, seemed to make it expedient to defer to a later volume the history of the long contest which ended in 1885."

Eleven years have elapsed since this hope was expressed. Circumstances have not permitted of its realization. All that has since been done has been the addition to my notes of much new and valuable material from the rich and varied stream of English political biography and social and industrial history that has flowed from the press since my two volumes were completed. It is consequently with peculiar pleasure and satisfaction that I welcome the exceedingly valuable contributions that Mr. Veitch and Mr. Butler have made to the history of parliamentary reform. If they or other equally competent and sympathetic students of the long struggle in England for a democratic system of parliamentary representation will write the history of the reform acts of 1867 and 1884–1885, I may, I think regard myself as liberated from the undertaking I gave in 1903. Neither of the two later reform acts—or rather the popular struggles for these acts and their parliamentary vicissitudes—has quite the vivid and abiding interest that attaches to the struggle, half a century long, for the great act of 1832, and its fortunes in the Grey cabinet, in the house of commons, and in the house of lords.

The literature of the political history of England in the nineteenth century cannot be regarded as complete until there are adequate histories of the extentions of the franchise in 1867 and 1884. But chief interest in the movement for parliamentary reform, the movement that began after the revolution of 1688, must always center in the epoch-making struggle that went on from the American revolution to 1832. It is scarcely conceivable that this tremendous struggle, always waged against great odds, could have found more sympathetic or more capable twentieth century historians that Mr. Veitch and Mr. Butler. As far as appears on the surface there has been no collaboration between them. Each apparently has worked independently of the other, although Mr. Butler cordially acknowledges his indebtedness to Mr. Veitch's research as embodied in the *Genesis of Parliamentary Reform*. But had the two authors been in continuous collaboration they could not have divided better than they have done

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the period from the American revolution to 1832 or produced a more harmonious result.

Mr. Veitch is concerned only with the agitation for reform. He deals with the vicissitudes of the movement; with the men who did the parliamentary and platform work; who wrote the pamphlets, the resolutions, and the manifestoes and all the other voluminous literature of the great propaganda. He also deals with the working and interweaving of the various associations—London, provincial and Scottish—that were organized to effect a reform of the representative system that was admittedly more than two and a half centuries overdue. His history closes with the incoming of the Whigs and the Grey administration in 1830.

Mr. Butler has an introductory chapter of much value sketching political conditions and the reform agitation in the period between 1769 and 1829, when the Wellington administration collapsed owing to the exhaustion of the old Toryism, and the internal dissensions in the Tory party resulting from the concession of Catholic emancipation by Wellington and Peel. But Mr. Butler's real work—his distinct and valuable contribution to the history of parliamentary reform—begins with the downfall of the Wellington administration at the end of 1829; and 364 out of his 426 pages are devoted to the two eventful years from 1830 to 1832—the two years which witnessed the final struggle in and out of parliament for the first reform bill, and the end of a representative system which had been admitted to be antiquated and decayed, and urgently in need of reform, as far back as the reign of Queen Elizabeth.

Editors despite, personal equation sometimes creeps even into reviews; and if one of these books appeals a little more strongly to me than the other, it is Mr. Veitch's *Genesis of Parliamentary Reform*. The book makes this appeal because I am familiar with the intricacies of this movement from the American revolution to the incoming of the Grey administration. I have realized the enormous painstaking labor necessary to trace out the many organizations—some with aristocratic supporters, others exclusively popular in their leadership and character—that came into existence to work for reform; to determine the relations of these numerous organizations with each other; to ascertain why this Whig reformer who was of the house of commons or the house of lords threw in his lot with Grey and the Friends of the People, while other Whig reformers withheld their support from this and the other associations in London and in the com-

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paratively few old urban constituencies in provincial England where a foothold could be secured for the movement.

Mr. Veitch's success with this part of his task is complete and outstanding; and nowhere is it more obvious than when he is uncovering the relations of some of these reform associations with the revolution clubs in Paris and provincial France. Mr. Veitch is equally successful in describing the efforts and influence of the men who were of the counter-movement to reform. This part of his work was quite as much worth while as the difficult task of disentangling the relations of the British reform organizations with the French clubs; for the counter-movement to reform, which began in 1793, with the single exception of the counter-movement to Irish home rule, that was continuous from 1886 to 1914, is the most remarkable counter-movement in the history of England from the civil war of the seventeenth century to the European war of 1914–1915. Remarkable and full of interest as it is, there had been no attempt at an adequate history of it until Mr. Veitch's *Genesis of Parliamentary Reform* was published. An enormous amount of work has gone into the appendices to this book; into the bibliography, which extends to twenty-one pages, as well as into research for the text. Some compensation will surely come to Mr. Veitch for all this careful work and the admirably written history of the agitations from 1780 to 1830, in the high rank that his book will take among monographs on the history of England in the period from the Declaration of Independence to the beginning of the reign of Queen Victoria.

Mr. Butler's history of the reform bills for which the Grey administration was responsible is largely based on the memoirs of the statesmen and politicians of this era—a large library in themselves, with only the official biographies of Grey and Althorp still lacking. But Mr. Butler has had access to the papers of Grey, and also to those of Althorp and Durham; all of which, especially those of Grey and Althorp, throw much new light on the inner history of Grey's administration and on the framing of the reform bills and their vicissitudes in the cabinet and in parliament. It cannot be affirmed that Grey's place among British statesmen is enhanced by the new material of which Mr. Butler has availed himself. The history of the two years from 1830 to 1832 might have been of much smaller importance as regards progress towards democracy, had not Grey's son-in-law, Durham, been in close family and political association with Grey; and not quite all the credit that is due to Durham for keeping Grey's courage at the sticking point is accorded to him by Mr. Butler.

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With good judgment Mr. Butler devotes comparatively few of his pages to the debates on the reform bills in the house of commons and the house of lords. There are few quotations from the Hansards of 1830–1832. The arguments for and against reform as they were put forward at the different stages of the bills easily admit of summary; but it would seem that some of the pages saved by this wise discretion might have been devoted to a description of the house of commons that passed the reform bill—to a comparison with the house of commons, for instance, that passed the budget of 1909 and thereby brought on the collision with the house of lords, and the lord's veto act of 1911. This is merely a suggestion, not a criticism; and I have nothing but commendation for Mr. Butler's book, and the mosy hearty commendation for his admirable use of the biographical material and letters on which his history of the Grey cabinet and of the framing of the reform bills are based; for his excellent chapters on industrial and social conditions in England on the eve of the reform bill; and on opinions and ideas as these were manifested after the dissolution of parliament in April 1831.

Mr. Veitch's and Mr. Butler's books are from different publishing houses. But they are companion volumes, and a student of the *Genesis of Parliamentary Reform* will inevitably move on to the *Passing of the Great Reform Bill*, as a reader of a novel on finishing one chapter turns to the next. Mr. Butler, it should be added, in his preface makes the announcement that Mr. George Trevelyan is now at work on the *Life of Grey*, based on the papers at Howick. This is a welcome announcement; for with the memoir of the Whig leader of the reform era available, the only official biographies of English statesmen of the period from Waterloo to the invasion of Belgium still lacking will be those of Althorp, Harcourt, Salisbury, Campbell-Bannerman, and Chamberlain.

EDWARD PORRITT.

Thirty Years. Anglo-French Reminiscences (1876–1906). By SIR THOMAS BARCLAY. (Boston and New York: Houghton, Mifflin and Company. 1914. Pp. viii, 389.

The author of this interesting volume of memoirs is widely known as "the man behind the *entente*." He went to Paris in 1876 as correspondent for the *London Times*. In 1882 he gave up journalism and devoted himself to the practice of law in the French courts. In 1899

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he was elected president of the British chamber of commerce in Paris, and taking advantage of the opportunity which this position offered, he started the public agitation for more friendly relations between England and France which resulted in the Anglo-French treaty of 1904. In recognition of his services in that behalf he was knighted by King Edward VII.

It is of course in connection with the present European war that this volume is of special interest. The *entente*, our author claims, produced "lateral" results that were wholly unforseen. It was perverted from an instrument of peace into a menace of war. Its object was to insure peace between England and France; it was soon interpreted as a threat against Germany. Nothing, according to Barclay, could have been further from the purposes of its promoters. In this connection he says:

"Never was there an idea among them of a joining of forces against another Power. The *rapprochement* had the exclusive and deliberate object of counteracting hostile tendencies between Great Britain and France. Its sole object was to bury the hatchet betweem them without *arrière-pensée*. Nor did anybody in England imagine that it might ever be used as leverage against a third Power. Even in France, the only suggestion of a *pointe* against Germany was an observation by M. de Pressensé that the *entente* would save England from joining the Triple Alliance.

"Nor, as will be seen, did Germany till long after the *entente* had become a *fait accompli* regard it as having any character of hostility to herself."

The volume as a whole is interesting and entertaining. It contains some rather good characterizations of men and measures, but it is not a profound work and the ill concealed egotism of its author detracts from its impressiveness.

JOHN H. LATANÉ

The Principles and Practice of Prize Law. By VISCOUNT TIVERTON. (London: Butterworth and Company, 1914. Pp. xix, 218.)

In accordance with the purpose announced in his preface the author deals "very shortly with both general principles and practice obtaining in the prize court." Published subsequent to the outbreak of the present war and containing all the official data available on the subject,

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the book has great value for general reference as well as for lawyers and others specially interested in admiralty law and procedure. In consulting this work, however, one should take into consideration the various orders in council modifying the law of prize which have been promulgated by the British government since the publication of the book.

Of particular interest is that portion of the book dealing with the sources of prize law and with the nature of that law, though it is greatly to be regretted that the author did not see fit to support his views with adequate arguments. His treatment of the subject is most cursory.

Municipal law looms very large in the estimation of the author. His attitude strongly suggests that, international law, treaties and orders in council notwithstanding, the prize court may reserve to itself an extraordinary liberty of action. "Treaties and orders in council," says Tiverton, "are no part of the municipal law unless and until they are made so by act of parliament." He further says on page 6:

"The municipal law of prize is somewhat complex. It depends upon a number of rules of law which theoretically are supposed to be the laws of all nations. Unfortunately, however, all nations do not agree as to what those rules are. The essential difference between the authority of a decided case in prize law and common law is this. At common law the decision is that such and such a proposition is and always has been law. In prize law it merely amounts to a decision that at that moment and between those two Powers such and such a proposition is law. And this follows from a strong principle underlying prize law, namely, that the law must be mutual. . . . . Lord Stowell justified an alteration in the law by the outrageous conduct of belligerent cruisers, but reverted to the old law as soon as the outrage ceased . . . . . it may well be that a decision of Lord Stowell's, though good law at the time, is good law no longer, even though there has been no act of parliament reversing the decision."

It would seem evident from such reasoning that interested parties in cases before British prize courts can have no certainty in respect to their rights. One is tempted to apply to these courts the remarks of Selden concerning the Court of Chancery:

"Equity is a roguish thing; for the law we have a measure, know what to trust to; equity is according to the conscience of him that is chancellor, and as that is larger or narrower, so is equity. 'Tis all one as if they should make his foot the standard. For if the measure we call a chancellor's foot, what an uncertain measure this would be!"

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The uncertain and arbitrary manner in which prize courts may render decisions is illustrated in the general law laid down by Tiverton. In some instances he quotes from the Declaration of London. In others he quotes from leading cases in prize law, with the result that it is difficult to predicate what the court itself may do. For example, on page 14 he quotes the case of *The Friendship* to show that "persons in the military or naval service of the enemy or in the civil service who will be intimately connected with the war are contraband and may be made prisoners of war." He thereupon quotes Article 47 of the Declaration of London which as a matter of fact deliberately avoided the analogue of contraband in this connection and expressly limited the right of capture to "any individual embodied in the armed forces of the enemy," etc.

So likewise with the question of despatches which he again denotes as "contraband" in accordance with the decisions in *The Carolina* and *The Atalanta*, though the Hague Convention relative to capture in maritime war, which he quotes with approval, does not admit this analogue or permit the seizure of correspondence of any sort.

It is of especial interest to note that according to Tiverton—assuming of course that the Declaration of London was good international law—emphasizes the fact that a blocade "must not extend beyond the ports and coasts belonging to or occupied by the enemy, nor bar access to neutral ports or coasts." Under this ruling the British orders in council establishing virtually a blocade of a modified variety against commerce with Germany through Holland would not be legal. It was for reasons such as these undoubtedly that Great Britain preferred to consider the Declaration of London as no longer binding in spite of the fact that it was formally accepted with emendations at the outset of the war.

There are other points of interest which might be raised if the limits of this review permitted. Enough has been indicated perhaps to emphasize the fact that the book in question is most timely and contains data of very great value.

PHILIP MARSHALL BROWN.

Harrington and his Oceana. By H. F. RUSSELL SMITH. (Cambridge University Press, 1914. Pp. 223.)

This is an excellent study of the nature and influence of one of the most interesting of political utopias. The author discusses briefly Har-

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rington's life and political ideas, showing the relation of his thought to the events of the Civil War and Commonwealth in England, and tracing the influence of his teachings on the subsequent two centuries of English thought. The fundamental principles of Harrington's theory are shown to be (1) the connection between political power and land holding and the importance of the possession by the governing class of an adequate proportion of land, (2) the value of the political devices of the ballot, indirect election, rotation in office, and a legislative system of two chambers in which the functions of debating and voting are separated. In showing the influence of Harrington on his contemporaries, the author has made considerable investigation into the pamphlet literature of the time.

The most interesting section of the book traces the connection between Harrington's ideas and the political institutions of the United States and of France. The connection between the "Oceana" and the utopian schemes of colonial government attempted in Carolina and New Jersey is indicated, and plausible but not conclusive evidence is given to show Harrington's influence on William Penn and his system of government in Pennsylvania. Again, in the Revolutionary period, Harrington's ideas were popular in America, especially through the work of John Adams and his interest in the ballot. In France, Harrington's influence on Sieyès is emphasized, the connection between the "Oceana" and several of the written constitutions of the Revolutionary period is indicated, and the application of Harrington's doctrines in the redivision of France into artificial territorial units, as planned by Sieyès and made permanent by Napoleon, is pointed out. While the similarities between American traits of character and Harrington's ideals are somewhat overdrawn (pp. 152–153), the book is a valuable contribution to the history of political theory.

RAYMOND G. GETTELL.

Progressive Democracy. By HERBERT CROLY. (New York: Macmillan Company. Pp. vii, 438.)

In this work Mr. Croly considers at large the question "whether any substitute is needed for the traditional system and whether progressivism offers any prospect of living up to the manifest requirements of the past." Upon both points Mr. Croly makes answer in the affirmative. His work is a thoughtful, interesting discussion of the passing away of old ideals and the formation of new ones. But like Mr. Croly's

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pervious writings in this field he inspires more than he instructs. There is a lack of concreteness in his proposals; he sets forth ideals, but when it comes to the matter of finding ways and means of realizing them the discussion barely escapes sinking into verbalism and futility. Thus the value of the work is more symptomatic than positive, and to enjoy it one should not expect to gather definite notions as to procedure but rather light upon the present situation and visions of the ultimate goal. This limited value is, however, an actual value. As a means of preparing public opinion for the changes in political structure required by expanding social needs, the work is probably more serviceable than if it were more constructive. It ranks high in literary quality. The style has vitality. One feels that here is something that is not built up by library carpentry, but comes warm and fresh from the world's life.

HENRY JONES FORD.

The Political Science of John Adams. By C. M. WALSH. (New York: G. P. Putnam's Sons. Pp. xii, 374.)

This book is an addition to our political literature of distinct value. It is well known to students of our constitutional history that the works of John Adams are a huge storehouse of information on the political ideas of the period in which American state and national constitutions took shape. Mr. Walsh performs a great service by making an exhaustive analysis of John Adams' ideas of constitutional government, with copious historical annotation. The work is a masterly performance, done with a range of information that puts it in a class apart from that of the special monograph although it possesses monographic completeness.

In addition to exhibiting John Adams' opinions as to the tripartite division of the powers of government, the work surveys the results of the practical application of that theory in the actual organization of American government and reaches some radical conclusions which are set forth in the last chapter. In essence they propose the conversion of the Senate into a sort of privy council by a drastic process of reorganization. Its present power to amend tax and appropriation bills should be taken away, but it may return such bills to the House with recommendations. Its negative on all bills should be only suspensive. It should advise during the negotiation of treaties but the House alone should accept or reject. It is obvious that such arrangements would

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provide plentiful occasion for legislative deadlock. This is to be counteracted by providing that when enactment has been frustrated by the Senate, the bills affected shall be regarded as suspended until the next congressional elections after which the House can pass those particular bills without the concurrence of the Senate. That is to say, the Senate is to be confined to an advisory function much like that now exercised by the British House of Lords. To better fit it for the discharge of such function, its membership is to be augmented by the addition of all ex-Presidents, "the oldest ex-governors of the States" and perhaps the justices of the Supreme Court. The idea seems to be to make the Senate as inclusive of public wisdom and experience as the Roman Senate. This is certainly a large programme and it appears rather fantastic from the standpoint of practical politics. Indeed, the value of the work is in the matter of exposition rather than in practical recommendation, but its value in this respect is very marked.

HENRY JONES FORD.

The Modern City and Its Problems. By FREDERIC C. HOWE, PH.D. (New York: Charles Scribner's Sons, 1915. Pp. x, 390.)

Dr. Howe's latest volume covers a wide range of time and area. It is a story of how the modern city has come to be, of what its present problems are, and of the only way in which the author thinks these problems can ever be solved. In the opening chapters Dr. Howe takes a few strides down the ages, touching the high points as he goes. There is an epitome of city history—an *Ueberblick*, as the Germans would say—from the fall of the Roman Empire to the English Municipal Corporations Act of 1835—fourteen centuries in ten pages. This snapshot is certainly not blurred by over-exposure. Then come general surveys of contemporary municipal conditions and problems, charter-making, city planning, police and fire-protection, housing, sources of city revenues, and the relation of the municipality to the public service corporation. These discussions relate not only to methods and shortcomings in America but to the policy and achievements of European cities as well. They are in considerable part a re-statement, in slightly different form, of the facts, opinions and prophecies which Dr. Howe has given us in his earlier books.

The author writes cogently and does not burden his readers with needless details. He has the art of putting his pages into forceful

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English; and he is not afraid to make known his own clean-cut opinions on any point. These are qualities which would give real value to any book. On the other hand the serious student of municipal affairs has nowadays come to expect something more than rapid generalizations which dissolve the most complex problems into naked simplicity and solve them in the twinkling of an eye. If all our municipal quagmires are so easily sidestepped as this book implies, what a marvel that both the saints and sinners of American public life keep stumbling into them with such blind perversity!

Europe has met and conquered every obstacle in the way of efficient civic administration, we are assured, and apparently by the application of a few simple formulas. "Railways and waterways are definitely coördinated into the city plan" (pp. 230–231). That, of course, has untangled all problems of local transportation abroad. The German city follows "a conscious programme of human efficiency" (p. 272), hence its social problems dissipate like mists before the noonday sun. The bread-ticket development of the past few months, however, give a touch of grim irony to Dr. Howe's glowing vision of the German *Hausfrau* who "receives her fresh vegetables, poultry, butter, and flowers along with the morning mail" (p. 263), and is thus so blithely relieved by a beneficient parcel-post-paternalism from all the worries of daily marketing. In America, alas, we have the parcel-post machinery; but the high-cost-of-living still sticketh closer than a brother. Why this should be the author does not make clear, save to assure us that he at least has no stomach for those "personal interpretations of politics" which put any of the blame on "the people."

Dr. Howe's civic philosophy as set forth in this volume can be summed up in two propositions. Individualism and laissez-faire have cursed the American city; all our troubles go back to constitutions, laws, limitations and policies based upon these unholy shibboleths. We must accordingly seek relief by completely socializing our community standpoint, and Europe has shown us the way. A book which professes these doctrines so frankly and maintains them so vigorously is surely worth reading whether one agrees with them or not.

WILLIAM BENNETT MUNRO.

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RECENT GOVERNMENT PUBLICATIONS OF POLITICAL INTEREST

JOHN A. DORNEY
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UNITED STATES

Address of the President of the United States at Indianapolis, Ind., Jan. 8, 1915. 1915. 13 p. 8°.

Address of the President of the United States at the Mid-Year Conference of the American Electric Railway Association, Washington, D. C. Jan. 29, 1915. 1915. 10 p. 8°.

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Alaska, General Information Regarding the Territory of. 1914. 36 p. 8°. *Dept. of Interior.*

Alaska, Government in. Hearings before the House Committee on the territories . . . on H. R. 15763 . . . pt. 1-2. 1914. 95 p. (continuous paging.) 8°. *House of Representatives, Committee on the Territories.*

Alston G. Dayton, United States District Judge for the Northern District of West Virginia, Official Conduct of. Report from House Committee on the Judiciary. [To accompany H. Res. 541.] [1915.] 8 p. 8°. House report 1490. *House, Committee on the Judiciary.*

Breach of International Obligations Imposed upon the United States by the Law of Nations or by Treaty, Supplemental brief in support of the power of the executive (in the absence of legislation by Congress.) to prevent a. 1915. 42 p. 8°. *Dept. of Justice.*

Note: Prepared by Charles Warren, Assistant Attorney General.

Child-labor Bill. Report from House Committee on Labor (to accompany H. R. 12292) House Report No. 1400. 1915. 50 p. 8°. *House of Representatives, Committee on Labor.*

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